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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993.

Annex

Letter dated 1 March 1994 from the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in the Territory of the Former Yugoslavia addressed to the Secretary-General

I have the honour of communicating to you another periodic report regarding the situation of human rights in the territory of the former Yugoslavia, which I submit pursuant to paragraph 32 of Commission on Human Rights resolution 1993/7. I would be most grateful if you could arrange for this report to be made available, at your earliest convenience, to the members of the Security Council.

(Signed) Tadeusz MAZOWIECKI
Special Rapporteur on the Situation
of Human Rights in the Territory
of the Former Yugoslavia

Appendix

SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Sixth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993

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Introduction

1. The mandate of the Special Rapporteur, originally established by the Commission on Human Rights at its first special session on 14 August 1992, was extended for one year by the Commission at its forty-ninth session in resolution 1993/7 of 23 February 1993.

2. The Special Rapporteur submitted three reports to the Commission on Human Rights (E/CN.4/1992/s-1/9; E/CN.4/1992/s-1/10; A/47/666-S/24809; E/CN.4/1993/50) and one to the General Assembly (A/47/666-S/24809) before the renewal of his mandate. Since then, and following many field trips undertaken by his field staff and missions which he undertook himself, the Special Rapporteur has submitted five periodic reports (E/CN.4/1994/3, 4, 6, 8 and 47).

3. The Special Rapporteur continues, where appropriate, and following investigation by his field staff, to intervene with the competent authorities in order to draw their attention to particular instances of allegations of human rights abuses. In each case he has urged that the situation be investigated and, where necessary, be remedied without delay. The Special Rapporteur cooperates with the Commission of Experts established pursuant to Security Council resolution 780 (1992) and offers his full cooperation to the International Criminal Tribunal for the Former Yugoslavia.

4. The Special Rapporteur expresses his gratitude to the various bodies which assist him in carrying out his mandate, including the United Nations Protection Force, the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the European Community Monitoring Mission, missions of the Conference on Security and Cooperation in Europe and other inter-governmental as well as non-governmental organizations.

I. BOSNIA AND HERZEGOVINA

A. Introductory remarks

5. War continues unabated in Bosnia and Herzegovina and continues to be characterized by wholesale violation of human rights and of humanitarian law. Whole populations remain victim to terrorization and harassment, particularly, though not exclusively, on territory controlled by Bosnian Serb and Bosnian Croat forces. The Special Rapporteur draws attention to the forms of suffering imposed on groups of peoples including the human rights issues associated with and pursuant to their displacement. A particular area of concern is the ongoing military attacks on civilians, particularly in Sarajevo, Mostar and Tuzla. The incident on 5 February 1994 in a Sarajevo marketplace, in which 68 people were killed and 200 wounded, is one of the worst attacks perpetrated on civilians during the war. The commission of rape and other forms of sexual abuse against women continues. Considerable suffering has been caused by interference with international humanitarian relief operations.

6. Information contained in this chapter is based on investigations conducted by the Special Rapporteur's field staff, a range of reliable sources, as well as a mission of the Special Rapporteur to Tuzla during December 1993. The Bosnian Serb authorities continue to refuse to permit the Special Rapporteur to conduct investigations in territory under their control. In connection with the information contained in this chapter, the detailed reporting on violations of human rights in Bosnia and Herzegovina contained in the previous reports should be taken into consideration.

B. Terrorization of civilians

7. Tragically, the terrorization of members of ethnic communities persists, with particular prevalence in territories under the control of Bosnian Serbs and Bosnian Croats. The Special Rapporteur reiterates his outright condemnation of such practices, which violate fundamental human rights including the right to life, integrity of the person, property, privacy and a

family life, freedom of thought, conscience, religion and of movement, to earn one's livelihood, to nationality, and rights as a member of an ethnic or cultural group. The Special Rapporteur also condemns all violations of human rights occurring in territory controlled by the Government of Bosnia and Herzegovina.

Terrorization of Muslims and Bosnian Croats in Bosnian Serb held territory

8. An escalation in the rate of "ethnic cleansing" has been observed in Banja Luka since late November 1993 and there has been a sharp rise in repossessions of apartments, whereby Muslim and Croat tenants are summarily evicted in violation of the terms of the Act on Housing Legislation and without de facto recourse to redressive legal procedures. Indeed it has been reported that a form of housing agency has been established in the municipality, which chooses accommodation for incoming Serb displaced persons, evicts Muslim or Croat residents and reputedly receives payment for its services in the form of possessions left behind by those who have been evicted. Typical of current eviction practices was an incident on 13 December 1993 in Banja Luka when six armed and uniformed men entered by force the home of a non-Serb family, assaulted the occupants and, despite the family's possession of a court order assuring the tenancy, ejected them onto the street.

9. Almost all non Serbs have now lost their jobs in Banja Luka and it is estimated that only 3 per cent of non Serbs continue to hold employment within the territories administered by the Bosnian Serbs. Dismissal is often without a legitimate reason, but frequently because of "draft evasion". Entire families have been dismissed from employment for the "draft evasion" of one member. Even family members of persons who have permanently settled in other countries can suffer in this way, as such emigrants may be deemed to be draft evaders. Dismissal removes the right to accommodation and social security.

10. The Special Rapporteur is aware of many specific recent incidents of attack on and terrorization of non-Serbs in the Banja Luka region in recent times. A typical case is that of an 82-year old Muslim man who, between 5 and 7 November, suffered repeated physical and verbal abuse and theft by assailants, one of whom was in military uniform. On each occasion the police failed to respond promptly to requests for assistance or to conduct proper investigations.

11. Muslim residents of the village of Vrbanija, five kilometres from Banja Luka, have been the victims of frequent shootings, assaults, threats and robberies. A recent incident, at 9 a.m. on 29 December 1993, involved the murder of a married couple and their neighbour and the theft of property. The police were informed of the incident at 9.30 a.m. but did not arrive until 5 p.m. when they spent just 10 minutes at the scene. During the funeral, on 30 December, mourners were detained and assaulted by men in military uniform.

12. During November 1993, continuing allegations were brought to the attention of the Special Rapporteur concerning widespread incidents of rape and sexual abuse by Bosnian Serb troops against Muslim women in the Olovo area.

13. The authorities in Banja Luka have removed physical traces of the presence of a Muslim community with the demolition of all of the municipality's 202 mosques. On 15 December 1993 in the town of Banja Luka, the remains of the 16th century Ferhadpasina mosque and four other mosques/mausoleums were razed. The site has since been adapted as a car-park. Roman Catholic constructions have also suffered. Twenty-one per cent of those in the Banja Luka diocese have been partially destroyed and a further 25 per cent damaged. In addition, Roman Catholic graveyards are increasingly being plundered.

14. The Special Rapporteur has received reports that the Muslims remaining in the Siprage region are subject to ongoing harassment and intimidation.

Terrorization of Muslims and Bosnian Serbs in Bosnian Croat held territory

15. "Ethnic cleansing" and general harassment of Muslims and Bosnian Serbs has been systematic and characterized by brutality, theft and eviction, absence of any due process of law and frequent detention. It is also characterized by the withholding of humanitarian aid (see below paras. 64-74). Many Muslims and Bosnian Serbs are in detention and others have either been issued with Croatian transit visas or forced into de facto ghettoes such as eastern Mostar, an area rendered unfit for human habitation.

16. Control of the eastern part of the city Mostar is exercised by Government forces and of the western part by Bosnian Croat forces. The "ethnic cleansing" of Mostar was first directed against Serbs and then against Muslims. A result of the "ethnic cleansing" of Serbs is that their population in Mostar has been reduced from a pre-war figure of 30,000 to just 400. Unlike their counterparts in western Mostar, who are subject to numerous abuses by the Croat population, Serbs in the eastern part of the city do not appear to be the victims of any form of invidious discrimination by the Muslim majority.

17. During November 1993, the Special Rapporteur became aware of the killing in Mostar on 18 October of a well known Muslim doctor and members of her family. The incident occurred in her apartment in a building which houses a Bosnian Croat Defence Force (HVO) barracks. An eyewitness identified the plainclothed assailants as members of the HVO.

18. Muslims and Bosnian Serbs have also been subjected to intimidation by Bosnian Croat forces at locations such as Livno, Omerovici, Rotilj and Plocari. With regard to Plocari, it is alleged that around 15 November 1993 all the inhabitants were killed by the HVO. Due to local fighting, international observers could not establish that a massacre had taken place, but did observe that the place was deserted and that a number of buildings had recently been destroyed by fire.

19. The Special Rapporteur drew attention in his report of 17 November 1993 (E/CN.4/1993/47, para. 50) to an incident in the village of Stupni Do on 23 October 1993. That incident has since been investigated by UNPROFOR and the evidence indicates that it comprised the summary execution by HVO troops of at least 15 villagers. Witnesses also indicated incidents of rape and other sexual abuse.

Treatment of Bosnian Serbs and Bosnian Croats in territory controlled by the Government of Bosnia and Herzegovina

20. There have been a number of recent reports of summary killings. In Fojnica on 15 November 1993 Government troops killed two Roman Catholic priests and initially obstructed an attempt by UNPROFOR to conduct an investigation. Subsequently, the Government itself undertook an investigation of the matter. Its conclusions are not known to the Special Rapporteur. In early January 1994 it was reported that, possibly at Krcevine, a Croat family was forced to pass through a minefield. The father and his child were killed and the mother seriously injured.

21. An incident has been reported in Zivinice where a Croat woman was threatened with a choice between being raped and having her business premises destroyed. The police failed to handle her complaint in a serious manner. One incident at Bugojno, reported in November, concerned the rape in front of jeering troops of two Croat women.

22. In response to a letter from the Special Rapporteur to the Prime Minister of Bosnia and Herzegovina, dated 15 October 1993, the Minister for Foreign Affairs replied, on 25 November 1993, that government troops were not responsible for alleged massacres at Maline in June and at Uzdol in September (see E/CN.4/1994/47, paras. 29-33). He stated that the deaths occurred during fighting and, furthermore, that the expulsion of Croats from the area was

perpetrated by the HVO. However, given the many testimonies to the contrary, the Special Rapporteur continues to pursue an investigation of this matter.

23. Allegations by Croat authorities that the forces of the Government perpetrated a massacre and other atrocities at Dubravici (also known as Krizancevo Selo) during late December 1993 have not been substantiated. UNPROFOR investigations indicate the probability that the persons whose bodies were found in a mass grave at the site had suffered war injuries and had been killed in recent combat in the area.

24. The Special Rapporteur has received reports of harassment of Croats in Zenica, with an increase in incidents of assault and public humiliation. However, at the time of writing of this report, there are indications of improved inter-community relations.

25. Bosnian Croats in Sarajevo continue to complain of harassment. Thus, for instance, they point out the human rights violations associated with the disbandment of the HVO on 6 November 1993 which involved widespread short-term arrests and interrogation, destruction of uniforms and flags and drafting of HVO members into the army.

26. The forces of the Government took control of Vares in November 1993, at which time large numbers of Croats fled the town. There was a particular fear that the troops would want to avenge incidents such as that at Stupni Do by terrorizing the Croat population. However order was quickly established and the town returned to civilian control. The municipal authorities have since urged Croats to return. International observers are of the view that the invitation is a sincere one. However, though some Croats would like to return, circumstances have not yet permitted this.

27. There are recent reports from the towns of Bihac and Cazin of the harassment and intimidation of relatives of officials in the administration of the so-called "autonomous province of western Bosnia", and of supporters of that regime. The Special Rapporteur is also aware of acts of harassment perpetrated by forces of the so-called "autonomous province" and directed against those loyal to the Government.

C. The situation in Tuzla

28. The Special Rapporteur visited Tuzla on 10 and 11 December 1993 and met with local officers of international organizations, representatives of provincial and local authorities, representatives of local and international non-governmental organizations and religious leaders. During the course of his visit he was able to make a first-hand assessment of both the human rights situation and the impact of the crisis concerning delivery of humanitarian aid. International observers with whom he spoke were of the view that there are no problems of co-existence between ethnic and religious groups, but that circumstances might well deteriorate with the worsening of the humanitarian aid crisis.

29. Until recently Bosnian Serb and Croat residents did not appear to be subject to harassment at a level comparable to that suffered by groups elsewhere in Bosnia and Herzegovina. The Special Rapporteur is confident that this situation was largely facilitated by the efforts of the local government in Tuzla to avoid any form of discriminatory treatment against various community groups.

30. Recently there have been signs of a deterioration. The Bosnian Serb community in particular feels that it is subject to especially discriminatory and invidious treatment and many Serbs are anxious to leave. In particular, Bosnian Serbs allege that the general mobilization has concentrated on them and that those who refuse the draft are subject to immediate detention. Recently, they have complained of an increase in general harassment, which they believe is encouraged by the withholding of police protection from Bosnian Serbs. In one incident on 10 October 1993 an elderly couple was attacked by uniformed,

but off-duty, soldiers and the wife died from her injuries. Her husband is adamant that the police have failed to investigate the matter properly.

31. While deploring any form of harassment, the Special Rapporteur notes the relationship between the escalation of inter community tension and the shortage of aid supplies. Owing to interference with convoys and the continued Bosnian Serb enforced closure of the airport, Tuzla is unable to adequately feed its population and provide them with other basic necessities. For instance, it received only 14.5 per cent of the food needs assessed by UNHCR for target groups during the month of December 1993. There is considerable local anger at the deprivations and this is occasionally turned against Bosnian Serbs, and, to some extent, Bosnian Croats. Tension is exacerbated by the extent to which local agencies succeed in delivering aid (from Belgrade and Zagreb), for Bosnian Serbs and Bosnian Croats while locally organized aid for Muslims is blocked by hostile forces.

32. The impact of the aid crisis on the present and long-term state of inter-ethnic relations, together with the immense suffering caused by deprivation, dictate that blockages must be immediately terminated.In that regard, the Special Rapporteur notes that the Bosnian Serb forces have, in January 1994, agreed to allow unhindered access by UNHCR convoys. It is necessary to monitor implementation of this commitment.

33. The Special Rapporteur also continues to draw attention to the need to reopen Tuzla airport as expressed in his correspondence on this matter with the Secretary-General of the United Nations (see para. 68). He noted that the re-opening of the airport would not only greatly alleviate the aid crisis but would also serve as a signal of the intent of the United Nations to enforce effectively its proclamation of Tuzla as a "safe areas".

D. Detention

34. During 1993, the International Committee of the Red Cross (ICRC) visited some 200 detention centres throughout Bosnia and Herzegovina. As some camps remain open only for short periods it is not possible to say how many of the 200 existed at any one time. During 1993 ICRC visited 16,900 detainees, 14,400 of them for the first time; 10,440 of those 16,900 were released during the year and some 1,000 were removed from the ICRC "active" register by reason of death, escape or for other reasons. As of 31 December 1993 there were 5,500 on the "active" register. According to reliable estimates around 40 per cent of detainees are held by Bosnian Croat authorities, 25 per cent by the Government, 13 per cent by the Bosnian Serbs and the remainder by the forces of the so-called "autonomous province of western Bosnia".

35. The HVO continues to detain Bosnian Serbs and Muslims for labour at the front line and as human shields. Evidence suggests that, as with the forces of the Government of Bosnia and Herzegovina, the practice is not centrally co-ordinated and depends on the initiative of local commanders. An appalling variant on the practice was reported during November 1993 whereby, at Novi Travnik, two detained Muslims were forced to carry remote-controlled explosives and to walk across the front line until they reached the midst of the government troops, when the explosives were detonated.

36. During December 1993 large numbers of Muslim detainees were released by Bosnian Croat forces. By the end of the month the camps and other places of detention at Livno Tomislavgrad, Ljubuski and Gabela were empty and that at Rodoc reduced in size. Most of the detainees subsequently left Bosnian Croat controlled territory. International observers who visited the detention camp at Prozor stated that conditions there were very bad and that prisoners suffered from cold, hunger, abuse and lack of basic necessities. The camp was closed in January 1994.

37. The conditions in which detainees are held by the Government is a serious cause for concern. In particular, the Special Rapporteur is aware of appalling conditions in the detention camps at Bugojno and Jablanica. At Bugojno

detainees are held in a sports stadium in unsanitary and cramped conditions, without light, access to bedding or physical exercise. Conditions are no better at Jablanica where many civilians are held. Among the detainees are a number suffering from psychiatric illnesses.

38. Authorities of the so-called, "autonomous province of western Bosnia", are responsible for the violation of the rights of various purported opponents of the regime. Many of these are held at a detention centre at Velika Kladusa, and there have been a number of reports of abductions.

39. With respect of the detention of children (see below paras. 224-227)

E. Displacement of populations

40. Displacement of populations has been effected by three means: involuntary population exchanges between municipalities under the control of opposing belligerents; private arrangements for emigration to the territory of another of the belligerents; and, least commonly, the forced and immediate expulsion of communities from their places of residence. These forms of displacement are asscciated with the phenomenon of "ethnic cleansing". Additionally, in recent months, the Special Rapporteur has noted the exchange of sizeable populations who have applied to leave their homes voluntarily, for fear of what might happen to them if, in any future peace settlement, control over the area where they live falls to another ethnic group.

41. The various forms of displacement are often accompanied by extortion and theft. Thus, for instance, displaced persons leaving Serb held territory are routinely subjected to strip searches at the frontier and to the confiscation of all valuables. One recent such incident occurred on 28 November 1993 when Bosnian Serb forces plundered the possessions of Muslims leaving the village of Siprage. On the other hand, reports of displacements from Government held Zenica in early January 1994, indicate that there was no interference with the moveable property of the displaced.

42. Population exchanges occur throughout Bosnia and Herzegovina. Frequently a substantial fee is demanded by the organizers (which may be central or local authorities or private agencies). Sometimes, however, the exchanges also involve detainees. Occasionally, little or no notice is given to those participating in exchanges. Thus, the frequent forced exchanges affecting residents of the Doboj (Serb held) area are often implemented on less than 24 hours' notice.

43. Private arrangements for displacement are entered into frequently and are almost always associated with extortionary practices in every aspect of their operation. They are usually organized with the assistance of "travel agencies" and are permitted after the intending travellers have relinquished to the authorities their rights to property which is left behind. The traveller is not permitted to return. The Special Rapporteur is also aware of practices in the Serb controlled Banja Luka municipality whereby those Muslims and Bosnian Croats who succeed in obtaining permission for temporary travel outside the municipality lose all rights to return after 30 days. No such regulations limit the travel freedom of ethnic Serbs.

44. The Special Rapporteur is aware of many recent instances of the immediate forced evacuation (in the absence of an exchange arrangement) of areas throughout Bosnia and Herzegovina. For a detailed exposition of the manner in which such evacuations occur he refers to his report of 6 September 1993 (E/CN.4/1994/8) concerning the city of Mostar, where thousands of Muslims were forced into the eastern part of the city by the Bosnian Croat forces. A particularly horrific example of the practice occurred on 26 October when Serb locals gave 25 Muslim families in the village of Teslic just 30 minutes to leave. The Muslims were then bussed to the front line and forced to cross a minefield.

45. Voluntary population exchanges are currently occurring with frequency in central Bosnia. Thus, for instance, the Government controlled town of Zenica established the "Commission for the Temporary Displacement of Citizens" in November. As of early January 1994, 3,000 Serbs and Croats have applied for and been granted tickets to leave. On 6 January 1994 the first 600 Serbs were transported to Banja Luka.

46. On occasion, members of communities who wish to move are forbidden to do so by the local authorities. This practice is usually explained as being designed to stop the process of "ethnic cleansing". Thus, for instance, Serbs are reported to have great difficulty in obtaining the necessary local authority permission to move outside the Tuzla municipality. This is reputedly because of a wish to stem the flow of Serbs out of the area. Bosnian Serbs have also had difficulty in leaving Sarajevo. On 22 January 1994 five Bosnian Serb doctors and three Bosnian Serb nurses were arrested by Government forces as they attempted to leave the city. As a retaliatory measure, Bosnian Serb forces threatened to arrest an equivalent number of Muslim doctors and nurses, to prevent medical evacuations through their territory, reduce deliveries of medical supplies to Muslim areas and stop medical treatment of Muslims in their territories.

47. Bosnian Croat forces have on occasion refused Bosnian Serbs permission to leave Mostar other than by means of exchange arrangements.

48. In October, the Government of Bosnia and Herzegovina refused permission for an exchange of Muslims from the Dretelj area for Croats in east Mostar. It is believed that the refusal stemmed from a decision to keep a Muslim presence in the Dretelj area. Croats also have been refused permission to leave Government-held Bugojno.

F. Certain human rights issues arising pursuant to displacement

49. The Special Rapporteur notes the very serious problems arising pursuant to the massive displacement of people. As of mid-November there were over two million people displaced either as a result of "ethnic cleansing" or other elements of the war. Even without the current crisis concerning delivery of humanitarian aid, it would be impossible for communities to care both for their own members and the huge numbers of displaced people to which they must often play host. The effects of the displacement of 7,150 people from Vares may be taken as illustrative of the problems involved. As of December 1993, 5,000 former residents of Vares were to be found in Kiseljak, which had a pre-war population of just 6,500. Of the displaced people, 1,250 are housed in the primary school and 1,000 in the secondary school. The resultant overcrowding is acute and causes grave problems in terms of provision of food, adequate accommodation and other essential services. Another illustration of the effects of displacement was the discovery in November 1993 by international agencies of 865 people, expelled from their homes in eastern Bosnia and constrained to find shelter in a network of caves near Zepa, alongside the road to Srebrenica.

50. There are frequent reports of harassment and looting by displaced people intent on avenging themselves against members of a group which had terrorized them in their original places of residence. Many such cases have been reported from Banja Luka and from towns and villages in western Herzegovina.

51. Mistreatment may also be directed against the displaced people themselves. For instance, in Tomislavgrad the local HVO has been evicting displaced persons from their accommodation if they lacked a "refugee card". Such cards have not been issued since March 1993 when the Tomislavgrad authorities declared that they would receive no more displaced persons.

52. Instances have also been observed of local populations becoming increasingly hostile to displaced persons when they perceive that the displaced persons receive preferential access to humanitarian aid. The Special Rapporteur has noted this phenomenon, for example, in Tuzla.

G. Rape

53. Pursuant to Commission on Human Rights resolution 1993/8 of 23 February 1993, the Special Rapporteur continues to address the problem of rape and abuse of women. He draws attention to his references to the matter in his fifth periodic report to the Commission (E/CN.4/1994/47), and to the conclusions drawn therein, and to the report of the Secretary General on rape and abuse of women in the territory of the former Yugoslavia, dated 30 June 1993 (E/CN.4/1994/5). The Special Rapporteur updates that information as follows.

54. A persistent problem besetting attempts to chart the extent of the incidence of rape and other forms of sexual abuse remains the exceptional difficulty in obtaining reports of or investigating allegations. Hindrances include the continuing war conditions, the distress of victims and their fear of retaliation by or on behalf of the perpetrators, the dispersal of victims among other displaced people and, not least, the refusal of the Bosnian Serb authorities to permit investigations in territories under their control. Also, reports of incidents of rape often only come to the attention of investigators many months after the incident has occurred.

55. Despite such fact-finding problems the Special Rapporteur is of the view that the commission of rape and other forms of sexual abuse remains widespread, if not on a scale comparable to that earlier in the course of the war.

56. Given the problems associated with investigation, the Special Rapporteur welcomes the initiative of the Commission of Experts established pursuant to Security Council resolution 780 (1992) to conduct thorough investigations of sexual assault occurring in connection with the hostilities in the former Yugoslavia.

57. The Special Rapporteur has received reports of sexual abuse perpetrated in areas under the control of each of the principal belligerents. Reference is made in this report to a number of such incidents.

H. Violations of human rights and humanitarian law by means of military attacks on civilians

58. Bosnian Serbs continue to be responsible for the military targeting of civilians throughout the areas where they are fighting. However, there is cause for particular concern with respect to the situations in the "safe areas" at Sarajevo, Tuzla and Gorazde.

59. Sarajevo remains subject to indiscriminate attacks and to sniping, directed from territory held by the Bosnian Serbs. By early January 1994 there were on average 1,000 shell or rocket impacts per day. Many civilians have lost their lives, including, on 1 December 1993, nurses on duty at Kosevo Hospital and, on 29 December, local journalists, in the course of their work. The Special Rapporteur acknowledges in particular, the courage of medical workers and journalists who persist in their tasks despite the dangers. He considers it entirely appropriate that the United Nations Human Rights Prize has been awarded to the staff at Kosevo Hospital. With regard to journalists he commends their commitment to the maintenance of a free press in Sarajevo where 10 newspapers/journals and 3 radio stations struggle to survive.

60. The Special Rapporteur notes the inability of UNPROFOR to establish the exact origin of launch for the mortar attack on the marketplace in Sarajevo which killed 68 civilians and wounded 200 on 5 February 1994.

61. Although a number of Bosnian Serb attacks on Sarajevo occur in response to firing by forces of the army of Bosnia and Herzegovina from positions situated close to highly sensitive civilian locations, most attacks would appear to be indiscriminate.

62. Bosnian Serb forces have subjected the residents of Tuzla to a number of attacks with cluster bombs and anti-personnel rockets. Casualties have been

high, and include four children, killed on 23 January 1994. Also, in early December 1993, it became clear that the Bosnian Serbs were directing attacks at the city's chemical factories, despite the danger for the civilian population.

63. Bosnian Croat forces continue to direct attacks at the civilian population of eastern Mostar. On 11 December 1993, for instance, in the space of 20 minutes, 24 shells landed. On 23 January 1994 four children were killed in a playground. The populations of both eastern and western Mostar are regularly subject to sniper attack by, respectively, forces of the HVO and the Government.

I. Human rights issues arising from interference with humanitarian aid

64. Since the report 17 November (E/CN.4/47) of the Special Rapporteur of the need of the people of Bosnia and Herzegovina for humanitarian assistance has been very great. International agencies have drawn attention to the very serious shortages, in particular of food, medicines and "winterization" materials and have done much to attempt to meet at least the minimum needs. Following his visit to Tuzla, the Special Rapporteur also drew attention to the presence and rapid spread of malnutrition and of diseases such as Tuberculosis and Hepatitis A. He further noted the phenomenon whereby serious aid deprivation can and does raise the level of inter-community tension, particularly in areas harbouring large numbers of displaced people relative to the size of the permanent community. He also warns of the possibility of such an occurrence in towns such as Kladanj, Zivinice and Lukovac.

65. Interference with the delivery of aid has continued, in contravention of the commitment given by the parties to the High Commissioner for Refugees, on 18 November 1993, that convoys would not be hindered. All of the belligerents have further complicated the delivery of aid by frequent insistence on "linkages", the process whereby aid deliveries are only permitted in return for commitments to give similar amounts to other groups, regardless of relative need. The belligerents have also been responsible for the deliberate employment of aid obstruction and deprivation as instruments of war. Furthermore, the fighting parties are culpable for their failure to curb the banditry and looting of aid supplies which is endemic throughout the country. Many participants in such activities are members of the armed forces of one or other party to the fighting.

66. Obstruction of aid, tolerance of lawlessness and other related interference with the attempts to provide humanitarian assistance constitute direct violations of the human rights of the people of Bosnia and Herzegovina and of the aid workers who are killed or injured by attacks against them.

67. Some of the worst situations of aid deprivation and associated suffering occur in areas where access is controlled by the Bosnian Serbs. In this respect, areas such as Gorazde, Tuzla, Zenica, Olovo, Tesanj and Maglaj are among the most deprived in Bosnia and Herzegovina. With regard to Gorazde, the Bosnian Serbs are blocking all but food assistance and even that is subject to interference and delay. During January 1994 UNHCR delivered just 40 per cent of the targeted aid. The figure for December 1993 was 29 per cent. Lack of fuel and medicines have resulted in deaths in the local hospital.

68. The Special Rapporteur, in a letter to the Secretary-General dated 14 December 1993, drew attention to the effects of the refusal by the Bosnian Serbs to agree to the reopening of Tuzla airport and of their interference with aid convoys destined for affected areas including the "safe areas". There have been numerous reports of their interference with convoys to such places as Gorazde, Srebrenica and Zenica, and with convoys overland to Sarajevo and from Sarajevo airport into the city. Deliveries of fuel, medicines and surgical equipment to the hospitals in Sarajevo have been so limited as to severely compromise their ability to function effectively.

69. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have also been responsible for interference with aid destined for Bosnia and Herzegovina. They have, for instance, insisted that fuel deliveries to Sarajevo and Tuzla only take place provided that the Serb authorities receive equal amounts, regardless of need (UNHCR refused to comply with this request). Also, on 10 December 1993, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) refused to allow across its frontier a convoy with "winterization" equipment to Gorazde across its frontier.

70. The Bosnian Serb authorities also hinder the international humanitarian effort by interfering with the medical work of ICRC and the medical evacuation programme (Medevac). On 17 January 1994, in Banja Luka, an ICRC vehicle was destroyed by explosives, resulting in the suspension of local ICRC activities. Local police have not been willing to investigate the incident properly. During late November 1993 they blocked Medevac evacuations until, following an appeal, their leadership intervened. Subsequently, the authorities imposed the complicating condition that they be given a minimum of 72 hours' notice of each proposed evacuation out of Sarajevo.

71. Bosnian Croat forces have interfered with aid deliveries for or in transit through areas under their control. The result of such practices is demonstrated by, for instance, the situation of the citizens and displaced persons in eastern Mostar, among whom deaths from malnutrition and lack of medical services have been reported. Furthermore, reports from the western part of the town indicate that the authorities have denied aid to both Muslims and Serbs. Elsewhere the Bosnian Croat authorities have compounded the problems of aid deliveries by insisting on quid pro quo delivery of aid to Muslims and Croats regardless of relative needs. They have also interfered with delivery of medical supplies. Thus, on 23 December 1993, they refused to allow materials for a field hospital to be delivered to the eastern part of Mostar. A particular difficulty reported during November 1993 was the refusal of the Bosnian Croat authorities to permit inclusion in convoys of the necessary amount of fuel to enable subsequent local delivery of aid materials. Aid convoys in transit through territory controlled by the Bosnian Croats have been stopped on a number of occasions. Essential supplies to locations such as Zenica and Kakanj have been particularly affected by this practice.

72. Interference with aid and other related practices also occur in territory under the control of the Government of Bosnia and Herzegovina and result in suffering no less grave than that in other parts of the country. Thus, for instance, in early January 1994, evidence of people starving and on the verge of death was noted in locations such as Kakanj where food supplies had been diverted to the army by the local authorities. The latter practice may have been encouraged by the recent announcement by the Prime Minister of rationing priorities which favour the armed forces. Bad conditions, exacerbated by interference with and unfair distribution and/or inadequately suppressed banditry of aid have also been noted in Bugojno, Jablanica, Zenica and Tuzla. Deprivation of access to medical and fuel supplies has had an adverse impact on the functioning ability of hospitals such as those at Banovici, Drin, Nova Bila and Pazaric. During this winter a number of deaths have occurred in Pazaric psychiatric hospital, which may be related to the lack of fuel for heating. In November an aid worker was killed by government troops in Vares and there have been repeated attacks on ICRC vehicles in both western and eastern Mostar.

73. On a number of occasions local authorities in areas under the control, respectively, of the Government of Bosnia and Herzegovina and of the Bosnian Serbs, have exchanged or attempted to exchange prisoners or members of local communities for food. Such arrangements would appear to have been made recently between the authorities in Zenica, Travnik and Banja Luka, and between the authorities in Zepce and Maglaj.

74. In northern Bihac, the forces of the so-called "autonomous province of western Bosnia" are also guilty of interference with attempts to deliver aid. They have repeatedly denied passage to convoys destined for the southern region

controlled by the forces of the Government and have harassed convoy personnel by means, inter alia, of short-term kidnapping.

J. Conclusions and recommendations

75. The terrorization of civilian populations, associated with the policy of "ethnic cleansing" first initiated two years ago, continues.

76. The continuation of the war and the willingness of the belligerents to employ access to aid as an instrument of war are root causes of the severe suffering. All interference with aid deliveries should cease immediately. The Special Rapporteur again draws attention to the unacceptable refusal of Bosnian Serbs to permit the opening, under UNPROFOR control, of Tuzla airport.

77. The Special Rapporteur notes the effects of the aid crisis on locations such as Tuzla which had previously been spared severe inter-community conflict. He warns of serious consequences for such areas if the aid crisis is permitted to persist.

78. Military attacks on civilians, such as sniper attacks, indiscriminate shelling, bombing and land-mining, constitute flagrant violations of human rights and humanitarian law. Military forces of all the belligerants have been guilty of such practices: However, the Special Rapporteur draws particular attention to the fact that the scale of such practices as committed by Bosnian Serb and Croat forces exceeds that of the other warring parties.

79. The Special Rapporteur yet again expresses his conviction that the perpetrators of violations of human rights and humanitarian law must be held accountable in law and punished. The international community should do all that is required in order to ensure that the International Criminal Tribunal for the Former Yugoslavia can achieve its goals speedily and effectively.

II. CROATIA

A. Introductory remarks

80. In his report of 17 November 1993 (E/CN.4/1994/47), the Special Rapporteur expressed his concern with respect to violations of international humanitarian law and human rights in Croatia. Since then, there has been a considerable decrease in violations of international humanitarian law such as the shelling of civilian objectives in UNPAs and surrounding areas by the parties to the conflict. Nevertheless, there are serious human rights violations and patterns of discriminatory treatment against minority groups, as well as arbitrary practices on the part of the authorities.

81. The Special Rapporteur acknowledges the cooperation that the authorities of the Republic of Croatia have offered in the implementation of his mandate.

82. During his meeting with representatives of the Government of Croatia in December 1993, the Special Rapporteur expressed his concern with respect to confirmed information that Croat armed forces are directly involved in the conflict in Bosnia and Herzegovina. The Special Rapporteur also asked the representatives of the Government of Croatia to use their influence at Bosnian Croats in order to stop the practices of interference into the delivery of humanitarian aid.

83. Further to previous communications between the Special Rapporteur and the Government concerning the Medak pocket incident of 9 September 1993 and a preliminary investigation conducted by the Government (see E/CN.4/1994/47, paras. 100-105), a report of 2 November 1993 based on a comprehensive investigation headed by the Vice-President, Mr. I. Kostovic, concluded that all those killed were combatants and that the extensive property damage was primarily the result of earlier hostilities, in 1991. The Special Rapporteur

considers this report as inadequate in view of the clear evidence of grave breaches of international humanitarian law in the Medak pocket.

B. Legal remedies for human rights violations

84. During his visit to Croatia in December 1993, the Special Rapporteur had meetings with the Chairman of the Parliamentary Committee for Human Rights and National Minorities, which is entrusted with the task of ensuring the compliance of legislation with human rights standards. During 1993 this body received some 4,500 complaints. However, the Committee does not have the mandate to provide legal remedies as such. Most of the complaints related to the refusal on the part of some authorities to execute court orders. Numerous complaints concerning the denial of citizenship have also been received.

85. Another complaint mechanism is the Law on the Ombudsman (Narodne Novine, No. 60, 1 October 1992, pp. 1336-1338) which was implemented recently upon the appointment of an Ombudsman by the President of the Republic. In accordance with the law, this institution is independent and enjoys competence when other remedies have been exhausted. However, the competence of the Ombudsman before the authorities is limited and frequently amounts to a "letter of recommendation" in favour of the complainant. Furthermore, local observers have pointed out that the effects of the Ombudsman's activities are very limited.

86. The Special Rapporteur also notes that the Constitutional Law on Human Rights and Freedoms and Rights of National and Ethnic Communities or Minorities in the Republic of Croatia (Narodne Novine, No. 34/92, 17 June 1992, p. 832; hereafter "Constitutional Law on Human Rights") establishes a provisional court of human rights (art. 60, para. 2) preliminary to a permanent court of human rights (art. 60, para. 1). Nevertheless, even the provisional Court remains to be effectively established.

87. Certain Executive Orders which were declared by the President as emergency measures in 1991 continue to be valid. These Orders allow, inter alia, for the suspension of certain legal remedies in criminal proceedings, and in certain cases, give military courts jurisdiction over civilians. They include: Regulation on the organization, the activity and the territorial competence of municipal and district public prosecution offices in the situation of a state of war or immediate threatening of the independence and unity of the Republic of Croatia of 7 December 1991 (Narodne Novine, No. 67, 12 December 1993, p. 2127); Regulation on the organization, the activity and the scope of the judicial power in the situation of war or immediate threatening of the independence and unity of the Republic of Croatia (Narodne Novine, No. 67, 12 December 1993, p. 2127); Regulation on the implementation of the Law on Criminal Procedure in a state of war or immediate threatening of the independence and unity of the Republic of Croatia of 27 December 1991 (Narodne Novine, No. 73, 31 December 1991, p. 2236); Regulation on the modification and amendment of the Regulation on the implementation of the Law on Criminal Procedure in the situation of a state of war or immediate threatening of the independence and unity of the Republic of Croatia of 22 April 1992 (Narodne Novine, No. 25, 29 April 1992, p. 583); and Regulation on the modification and amendment of the Regulation on the organization, the activity and the scope of the judicial power in the situation of war or immediate threatening of the independence and the unity of the Republic of Croatia of 22 April 1992 (Narodne Novine, No. 25, 29 April 1992, p. 583). During his last mission to Croatia, the Special Rapporteur expressed his concern that the prolonged application of these regulations seriously endangers the protection of human rights. The process of creating a democratic State governed by the rule of law requires the abolition of such regulations.

C. Discrimination against Serbs, Muslims and other groups

88. The Special Rapporteur has received reports concerning the mining and destruction on 25 December 1993 of the seat of the Eparchy of the Serbian Orthodox Church in the town of Karlovac. The Government of Croatia has

condemned the act. Cardinal Kuharic also expressed his strong condemnation of these acts of terrorism. Nevertheless, the local authorities and some media attempted to belittle the gravity of the situation by suggesting that the building was being used by groups hostile to Croatia.

89. Allegations have been made that representatives of the Serbian Orthodox Church in Croatia are repeatedly subjected to ethnic and religious discrimination. However, there are certain positive developments including, in particular, the return to Zagreb of the Metropolitan Bishop of the Serbian Orthodox Church for Zagreb and Ljubljana on 28 January 1994 for an Orthodox celebration, with the full cooperation of the authorities.

90. The Special Rapporteur has received reports that the Ministry of Internal Affairs has required some Croatian citizens belonging to minority groups or children of mixed marriages to "give evidence of nationality [i.e. Croatian ethnic origin] and to establish Croatian citizenship", for example, by producing baptismal or school certificates (see E/CN.4/1994/47, paras. 115-123). In several cases, Croatian citizenship has been withdrawn because Croatian ethnic origin could not be adequately established.

91. The deteriorating economic situation, compounded by the massive influx of refugees, has created a serious unemployment problem in Croatia. It appears that Serbs and Muslims are always the first to be dismissed and that consequently, a disproportionate number have become unemployed. At the end of 1992, 52 employees of the Bank of Split were dismissed. Among them were 35 non-Croats. The total number of non-Croats in the Bank had been 72 out of 1123 employees. This case of discriminatory dismissal is still before the court. Sixteen similar cases of discriminatory dismissal from employment have been appealed to the Supreme Court after the court of first instance failed to reinstate the plaintiffs. In yet another case, 14 Muslims who were originally from Bosnia and Herzegovina, but who had lived in Split for 25 years and worked in a cement factory for 20 years, have been denied a prolongation of their working and residence permits. They have appealed this decision before a court. The Special Rapporteur has also received information concerning 16 dismissals from the Central Post Office of Split on 17 September 1992. Of those dismissed, 9 are Serbs and 4 are Croats married to Serbs or Montenegrins. All of them had worked there from 7 to 33 years. Out of 1,300 employees at the Central Post Office of Split, 26 were Serbs. This case is still before Court.

92. The situation of the Serb and Muslim minorities is especially difficult in the Dalmatian area, primarily because of its proximity to the hostilities in the region of UNPA Sector South, as well as Herzegovina. Since the escalation of hostilities between the Bosnian Croat and the Government forces in Bosnia and Herzegovina, there has been a significant increase in harassment of local Muslims and Bosnian Muslim refugees by the authorities, the police and, especially, soldiers returning from the front. During his visit to Split, the Special Rapporteur received information concerning illegal and forced evictions (see below, "Illegal and enforced evictions") and the destruction of shops belonging to Serbs and Muslims. It appears that there have been no prosecutions in connection with the destruction of shops. In certain areas, Muslim children are prevented from attending schools.

93. According to reliable sources, in 1993 the Croatian armed forces confiscated approximately 90 per cent of the automobiles belonging to Bosnian Muslim refugees. In Dubrovnik alone, more than 500 vehicles were confiscated in the summer of 1993. It has been reported that the Croatian authorities have justified their actions on the basis of a request from the Bosnian Croat armed forces (HVO) that the automobiles be confiscated and sent to "Herzeg-Bosna".

94. The Special Rapporteur has received reports concerning discriminatory treatment of Croatian citizens whose place of birth is Bosnia and Herzegovina. It is reported that former Bosnian Croat refugees who have acquired Croatian citizenship on the basis of Croatian ethnic origin in accordance with recent legislation (see E/CN.4/1994/47, paras. 119-120), are discriminated against in obtaining employment and social benefits through the refusal to issue

appropriate official documents. It is also reported that Croatian citizens born in Bosnia and Herzegovina are being singled out for forced recruitment. According to information received, an unknown number of Croatian citizens, all with their place of birth in Bosnia and Herzegovina, were forcibly gathered up by the military on 15 and 16 December 1993 and informed at the barracks that they would be sent to fight in Bosnia and Herzegovina. There have been reports of intimidation and beatings by the military of those who have refused to comply. It has also been reported that some of those who have refused to comply have had to sign documents under duress indicating that they are "volunteering" to fight in Bosnia and Herzegovina (see also, "Situation of refugees", Sect. 103 below).

D. Illegal and forced evictions

95. The Special Rapporteur met with representatives of the Ministry of Defence in August 1993, and expressed his concern about illegal evictions (see E/CN.4/1994/47, paras. 124-130). In view of the continuation of this practice by the military police despite assurances to the contrary, a meeting was held once again with the relevant authorities of the Ministry of Defence during the Special Rapporteur's visit to Croatia in December 1993. He was informed that a moratorium had been adopted as of 10 December whereby all evictions would cease for a 20-day period, during which all individual cases, as well as the legislation itself, would be examined. The Special Rapporteur was also informed that the Ministry of Defence was prepared to undertake concrete measures to compensate those who have been affected by illegal evictions. Furthermore, the Special Rapporteur was informed that a Commission of Control has been established in order to regulated the activities of the Housing Commission established pursuant to the Law on the Provisional Use of Apartments of 4 December 1991 (see E/CN.4/1994/47, para. 126). Nevertheless, contrary to these assurances and measures, the Special Rapporteur has continued to receive verified information from his field-staff concerning illegal and forced evictions both during and subsequent to the period of the moratorium. Furthermore, court orders for the reinstatement of tenants continue to be disregarded and frequently, the evicted tenants also lose their personal belongings in the apartment.

96. The authorities continue to claim that most illegal and forced evictions were being committed by "uncontrollable" private individuals and that in the few cases where members of the Croatian armed forces may have been implicated, disciplinary and judicial measures have been taken. In practically all of the cases which have been investigated, however, the perpetrators have been uniformed soldiers. Furthermore, the authorities have not adopted effective measures for punishment or compensation of such evictions and, therefore, appear to tolerate the practice.

97. The illegal and forced evictions are connected in certain respects with the influx of refugees and displaced persons which has caused a severe shortage of housing, including for members of the Croatian armed forces many of whom have replaced evicted tenants with members of their own family. The Dalmatian area appears to have been particularly affected by evictions, especially in Split where it has been alleged that some 200 tenants - mostly wives, children, and other dependents of former members of the Yugoslav National Army - have been forcefully evicted from their apartment units. According to information provided by the Mayor of Split during a meeting with the Special Rapporteur in December 1993, approximately 80 per cent of the evictions have been from the approximately 8,000 apartment units under the control of the military. In one case, the Attorney-General and the Military Prosecutor had successfully intervened in favour of a tenant whose apartment had been illegally occupied by soldiers. Furthermore, from February to November 1993, there were 364 cases where evicted tenants appealed to the courts and there were 280 rulings, by which all but 60 were reinstated. However, the Special Rapporteur has received indications that the military authorities have refused to execute almost all of the court orders. Furthermore, the Special Rapporteur has received information that the offices of two lawyers who defended evicted tenants were damaged by unknown assailants with the use of explosives.

98. The Special Rapporteur is particularly concerned with the brutal and excessive use of force by those who are carrying out illegal evictions. Testimony was received in this regard from one such victim during his last mission to Croatia.

99. In a letter dated 20 January 1994, the Special Rapporteur reminded the Government of Croatia that the practice of illegal and forced evictions constitutes a violation of the right not to be subjected to arbitrary or unlawful interference with privacy, family or home, as well as the principle of non-discrimination. In addition, he requested that the Government inform him about the steps which have been taken to restore the rights of those who have been subjected to illegal and forced evictions and to prevent the recurrence of such actions. Because of information received concerning an incident on 2 February 1994 in which the president of a local non-governmental organization was severely beaten by persons in uniform while trying to prevent an illegal eviction, the Special Rapporteur was compelled once again, in a letter dated 3 February 1994, to remind the Government that such acts are in express contradiction to the assurances which he has previously received and that appropriate measures must be adopted in order to counter such violations.

E. The situation of refugees

100. The number of refugees and displaced persons has created serious humanitarian problems and constitutes a major burden for the social system of the State. The humanitarian situation in Croatia remains difficult because of inadequate housing, as well as lack of food, fuel and hygienic materials. During the last mission of the Special Rapporteur to Croatia, he visited refugee centres and discovered that the living conditions - especially those of Bosnian Muslim refugees - were very difficult.

101. In December 1993, the Special Rapporteur received information that an additional group of the Bosnian Muslims who had been expelled from Croatia in July and August 1993 and detained by the HVO (see E/CN.4/1994/47, paras. 140-143) had been allowed to return. It is reported, however, that among those who have been released, 26 have been denied transit visas to enter Croatia. The Special Rapporteur has also received reports from reliable sources that in September 1993 approximately 100 Kosovo Albanians who had resided in Croatia for 20 to 30 years were denied a prolongation of their residence permit and subsequently expelled to Bosnia and Herzegovina.

102. Since 31 March 1993, the police have refused to register refugees from Bosnia and Herzegovina, especially men of draft age, with few exceptions. In other cases, municipal authorities have removed the refugee status of Bosnian Croats and Bosnian Muslims by categorizing the areas from which they come as "safe". This "safe" category includes Mostar and Stolac for the Bosnian Croats and Zenica for the Bosnian Muslims. The unregistered refugees are denied access to humanitarian assistance and, if arrested, receive an order for deportation to Bosnia and Herzegovina.

103. Special Rapporteur is also concerned at continued reports of the forced recruitment in Croatia of Bosnian refugees by the Bosnian Croat army (HVO). Such recruitment has occurred mainly in the Dalmatian area (see para.94).

F. The situation of the media

104. Despite some improvements, the climate of political hostility continues to be exacerbated by misinformation and indoctrination, especially by the State-controlled electronic media. As a general rule, the press tends to be more impartial than the electronic media as evinced by its coverage of issues such as the Stupni Do incident in Bosnia and Herzegovina on 23 October 1993 (see E/CN.4/1994/47, para. 50). On 29 October for instance, Vjesnik carried a lengthy article entitled "No Excuse" saying that a massacre of Muslims definitely took place at Stupni Do and calling into question denials by the Bosnian Croat forces. The article goes on to state that whatever crimes the

"Mujahedin" may have committed, there is no excuse for Croats to retaliate with the wilful killing of civilians.

105. In other cases, however, the press has covered incidents in an irresponsible manner which has contributed to a climate of fear. This is exemplified by coverage of the meeting of the Special Rapporteur with representatives of local non-governmental organizations during his visit to the city of Split. In the 11 December 1993 issue of the regional newspaper Slobodna Dalmacija, these representatives were stigmatized as "enemies of the country".

106. Another issue of particular concern to the Special Rapporteur is the case of Mr. Viktor Ivancic, Editor-in-Chief of the independent newspaper Feral Tribune, who was taken to the Dracevac Barracks on 5 January 1994 for recruitment into the Croatian armed forces. The Feral Tribune has covered in an extensive manner illegal activity by the military, including illegal and forced evictions from apartment units under the control of the military.

G. The situation in the United Nations Protected Areas

107. In contrast to the improved situation in other areas, in the south-western part of UNPA Sector South the shelling of civilian areas continues in the area of Zadar and Sibenik.

108. The Special Rapporteur also continues to receive reports of human rights violations of the remaining non-Serbian population. Because of the prevailing climate of lawlessness and inadequate police protection, many of those people live in a constant fear of death and are frequently subjected to violent acts in the form of physical assault and armed robbery as well as the destruction of private property. The flow of displaced persons from the UNPAs to areas under the control of the Croatian Government remains unabated.

109. The situation is particularly grave for the few remaining Croats, Hungarians and other non-Serbs in Sector East. On 8 November 1993 in the vicinity of Ilok, two Croats and a Hungarian were shot and wounded, one of whom died on 17 November as a result of his injuries. On 11 November 1993, the Croatian spouse of a Serb was arrested at Dalj and has apparently "disappeared". On 17 November 1993 in Ilok, four men broke into the home of an elderly Croat couple, subjected them to beatings, took away their valuable possessions, and then forcefully evicted them from their apartment. On 1 December 1993, a Croat from the village of Knezevi-Vinogradi reportedly received a threatening letter telling her to leave the area within 24 hours. On the same day, a Hungarian had his home pillaged.

110. The Special Rapporteur has received reports that 28 Croats in the village of Podlapaca in Sector South wish to leave because of constant harassment and fear (see E/CN.4/1994/47, para. 147).

111. The Special Rapporteur is also concerned at the arrest by the military police in Glina on 15 December 1993 of 16 United Nations local staff members. They were detained inter alia, on the grounds that they must contribute part of their salary to the war effort by signing a contract obliging them to pay a considerable sum of money over a period of six months. In order to secure their release, the United Nations employees were eventually forced to pay the "war tax" which was arbitrarily imposed upon them by the military authorities.

112. Concerning the arrest (referred to the previous report of the Special Rapporteur (E/CN.4/1994/47, para. 156) on 21 September 1993 of two former high-ranking members of the so-called "Republic of Serbian Krajina" because of their participation in a social reconstruction project co-sponsored by UNOV/UNDP and a non-governmental organization (the project manager was also arrested) the field-staff have confirmed that all three were released from Glina prison in Sector North on 1 December 1993 upon a decision of the Investigation Judge. Nevertheless, the investigatory proceedings continued and on 3 December a new order for their arrest was issued by the "Interior

Minister". Since the police did not go to their home to arrest them until 4 December, the accused apparently seized the opportunity to escape. There have also been allegations that the individuals in question were tortured by the police during their detention. The Special Rapporteur is seriously concerned about information which he has received concerning the forceful abduction by the Serbian Security Police of one of the accused, Mr. Zeljko Dzakula, in Belgrade on 4 February 1994 (see para. 123, below).

113. With respect to the areas of Sector West under Croatian control, the Special Rapporteur has received reports concerning the harassment, intimidation and arbitrary detention of Serbs. There are also reports concerning the forced recruitment of refugees. According to information received, on 22 and 23 January 1994 Bosnian refugees who had registered with the authorities were taken from their homes to military barracks in Zagreb for recruitment into the Croatian armed forces.

H. Conclusions and recommendations

114. Further to his letters to the Government of Croatia dated 20 January and 3 February 1994, the Special Rapporteur condemns the continuing practice of illegal and forced evictions by members of the Croatian armed forces and calls upon the Government to adopt appropriate measures in order to restore the rights of affected tenants and to prevent the recurrence of such acts. In this connection, the Special Rapporteur commends the local non-governmental organizations in Croatia who, despite harassment, intimidation and abuse by the military authorities, remain active in attempting to prevent evictions and to protect those tenants who have been affected.

115. The Special Rapporteur recommends that the court of human rights envisaged in article 60 of the Constitutional Law on Human Rights be promptly and effectively established.

116. The Special Rapporteur considers the practice of forced recruitment in Croatia of Bosnian refugees by the Croatian armed forces and the Bosnian Croat army (HVO) as a serious violation of fundamental human rights.

117. The Special Rapporteur notes with concern the continuing support by the Republic of Croatia, including direct involvement of the Croatian armed forces, for Bosnian Croat forces which have been responsible for "ethnic cleansing" and other grave violations of human rights in areas under their control.

118. Further to his previous recommendations, the Special Rapporteur wishes to remind the international community of the urgent need for humanitarian assistance for refugees and displaced persons.

119. The Special Rapporteur remains deeply concerned that in the United Nations Protected Areas the practice of "ethnic cleansing" continues. He regrets that the conditions for the repatriation of displaced persons still remain to be secured.

III. FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

A. Introductory remarks

120. Further to his report of 17 November 1993 (E/CN.4/1994/47), the Special Rapporteur has continued to receive disturbing reports of human rights violations in the Federal Republic of Yugoslavia (Serbia and Montenegro). In particular, the situation of certain ethnic and religious groups remains a cause of grave concern.

121. The Special Rapporteur also wishes to draw attention to the refusal of the Federal Republic of Yugoslavia to allow the establishment of a field office of the Centre for Human Rights in Belgrade, similar to those currently operating in Zagreb and Skopje. Such refusal has the effect, inter alia, of

restricting the capacity of the field-staff of the Special Rapporteur to verify allegations of human rights violations.

B. Serbia

Security of the person

122. The Special Rapporteur continues to receive reports concerning the use of brutal and excessive force, as well as torture, by the police, particularly in connection with random searches and other encounters with the public. A disproportionate number of such incidents appear to be directed against members of certain ethnic and religious groups, especially Muslims and Albanians. The brutal nature of police abuse is demonstrated by a case which has been brought to the attention of the Special Rapporteur concerning two Muslims in Belgrade who, on 7 June 1993, were allegedly beaten by Serbian police with truncheons and pistols and had hand bombs placed in their mouths in order to extract confessions from them.

123. It is also reported that threats and reprisals are frequently carried out against members of the political opposition and especially against trade union activists. The Special Rapporteur is particularly concerned at the case of Mr. Zeljko Drakula (see 112 above) who, having fled from the so-called "Republic of Serbian Krajina" because of political persecution, was abducted by the Serbian Security Police in Belgrade on 4 February 1994. According to eyewitness testimony, brutal and excessive force was used in his arrest. In a letter dated 8 February 1994 addressed to the Minister of Foreign Affairs of the Federal Republic of Yugoslavia, the Special Rapporteur expressed his concern at the arbitrary nature of the arrest, and the fact that Mr. Drakula is being detained incommunicado.

Public incitement to discrimination and hatred against minority groups

124. A primary area of concern for the Special Rapporteur is the incitement to national and religious hatred in public life and in the media. In public life, leading political figures make inflammatory and threatening statements against minority groups on a regular basis. On several occasions, for instance, the leader of the Serbian Radical Party, Mr. Vojislav Seselj, has suggested that the Hungarian and Albanian minorities should be expelled from Vojvodina and Kosovo, respectively. The incitement to hatred by political leaders was particularly widespread during the campaigns leading to the parliamentary elections in December 1993. The use of demagogic methods in order to intensify and manipulate irrational fears and prejudices among the electorate appears to be an important means of gaining votes.

125. The prevailing climate of ethnic and religious hatred is also encouraged through misinformation, censorship and indoctrination by the media (see E/CN.4/1994/47, paras. 176-179). In particular, the coverage of atrocities committed in the conflict between Serbs and Muslims in Bosnia and Herzegovina is selective and one-sided. The media denigrates Muslims and Islam through sensationalist and distorted accounts of historical and existing "crimes" which they have committed "against the Serbian people" while grave violations perpetrated against Muslims are either rarely reported or discounted as malicious accusations forming part of an "anti-Serbian conspiracy." The programming of the State-controlled TV Belgrade regularly involves the demonization of certain ethnic and religious groups. In this respect, a particularly disturbing broadcast is the programme Iskre i varnice nedelje.

Freedom of expression and the situation of the media

126. Another area of concern is political censorship and unequal access to the media. This is especially the case with the State-controlled Radio-TV Serbia, which has a monopoly on broadcasting at the national level. The fact that newspapers are expensive because of the prevailing economic situation contributes to the dominating role of Radio-TV Serbia as a primary source of information for the public. It does not appear either that the Government has

the intention of adopting the draft law on the liberalization of Radio-TV Serbia, which was proposed by the Serbian legislature before it was dismissed by the President.

127. The domination of the media, including Radio-TV Serbia, by the ruling Serbian Socialist Party, was particularly evident during the political campaigns leading to the parliamentary elections in December 1993. During this period, there was extensive propaganda in favour of the ruling party both on Radio-TV Serbia programmes and in much of the press, while coverage of the opposition appeared to be scant and selective. For instance, a demonstration by several thousand members of the coalition of opposition parties received no mention on the television news. In addition, the ruling party used the media in order to indoctrinate and misinform the public about important issues. Evidently, perpetuating the myth of an anti-Serbian conspiracy through the demonization of external actors is a convenient means of absolving the ruling party of responsibility for its failures.

128. The Special Rapporteur has received reports that during the period leading to the elections, and in general, there have been attacks against the independent media on Radio-TV Serbia. On 12 December 1993, for instance, the weekly Vreme was attacked on TV Belgrade 1 because of information which it had published concerning the detention camps run by the Bosnian Serbs at Omarska and Manjaca.

129. The Serbian Law on Public Information contains provisions on the right of reply. In practice, however, they are not implemented.

130. The Special Rapporteur has also received reports that the Serbian authorities have adopted repressive measures against cultural expression by minorities in the media. For instance, Radio Bijelo Polje has decided to ban the use of Turkish words on its radio transmissions. This measure was intended, in particular, for the programme in which Muslims send regards to friends and family using local Sandzak words that have remained from the Turkish language.

Conscientious objection to military service

131. Further to Commission resolution 1993/84, the Special Rapporteur notes with concern the reports which he has received about the violation of the right to conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, and, especially under present circumstances, the right to refuse service in those elements of the military forces which have been responsible for "ethnic cleansing" and other grave violations of human rights in Croatia and Bosnia and Herzegovina.

132. Although the Constitution and relevant legislation of the Federal Republic of Yugoslavia provide for conscientious objection, the corresponding regulations and procedures for its implementation remain to be adopted. Article 214, paragraph 1 of the 1992 Federal Criminal Code of Yugoslavia provides, inter alia, a sentence ranging from a fine to a term of one year of imprisonment for refusing to serve in the military forces. Furthermore, article 214, paragraph 3 of the Code provides that those who avoid military service by going or staying abroad may be sentenced to a term of one to ten years of imprisonment. According to the jurisprudence of the Supreme Military Court (K.223/76), the elements of article 214, paragraph 3 are satisfied simply if there is an established legal obligation for military service and an intention to avoid this service through escaping abroad or through the extension of an existing stay abroad.

133. During the armed conflict in the former Yugoslavia, refusing service in the military has usually been punished with a sentence ranging from three to four months. Under article 214, paragraph 3, those who remain abroad are still liable to prosecution upon their return to Yugoslavia.

134. In practice, a disproportionate number of those who have been prosecuted for refusing service in the military have been members of certain ethnic and religious groups, in particular Muslims, Slovaks and Hungarians.

Refoulement of refugees including the question of forced recruitment

135. The Special Rapporteur has continued to receive disturbing reports concerning the refoulement of Bosnian Serb and Bosnian Muslim refugees through forced recruitment, primarily in refugee centres in Belgrade and other cities, for combat in the Republic of Bosnia and Herzegovina and the Republic of Croatia (see also E/CN.4/1994/47, para. 186). In one recent case alone, at least 26 Bosnian Serb males of fighting age were rounded up at a refugee collection centre in Kosovo. They were reportedly taken to the Bosnian border with Bosnian and Herzegovina by the Serbian police where they were handed over to the Bosnian Serb authorities. According to information received, the Serbian police had presented them with call-up documents stamped by the "Defence Ministry" of the so-called "Bosnian Serb Republic" warning them of arrest and imprisonment for non-compliance.

136. It is evident that such actions have been carried out with the full knowledge of the Serbian authorities. The Special Rapporteur has even received reports from a reliable source that prior to granting a passport to Bosnian Serb refugees, the Serbian authorities contact the office of the "Bosnian Serb Republic" in Belgrade in order to determine whether the applicant is wanted for military service. UNHCR has strongly condemned the forced recruitment of refugees in violation of fundamental principles of refugee protection.

137. The Special Rapporteur has also received reliable reports concerning the difficulties faced by Muslim refugees from Bosnia and Herzegovina attempting to enter Serbia. Because of their ethnic origin as reflected in their names, many are forced to enter with forged documents which they usually obtain as a result of bribery. It should be acknowledged that once they have succeeded in entering Serbia their applications for refugee status appear to be treated equally with those of Bosnian Serb and Bosnian Croat refugees.

138. There is also information concerning attacks against refugees. However, it appears that in certain cases the authorities have taken action against such acts. For instance, on 5 October 1993 in Leskovac, the authorities arrested three men who were suspected of a bomb attack on 29 June 1993 against a camp containing mainly Muslim refugees from Bosnia and Herzegovina.

B.1. Kosovo

139. The human rights situation in Kosovo continues to deteriorate with reports of abusive and discriminatory treatment on the part of the authorities. Furthermore, the continuing absence of a dialogue between the Serbian and Yugoslav authorities on the one hand and the leadership of the Kosovo Albanians on the other has prevented any improvement on vital issues such as the "parallel" education system of the ethnic Albanians (See E/CN.4/1994/47, paras. 200-205). In this connection, the situation of the University of Pristina remains a source of considerable tension. This is the third academic year in which enrolments, lectures, tutorials, exams and other activities of over 22,000 students and 900 teaching staff are being carried out in private homes and buildings.

140. There are continuing reports of discriminatory and abusive treatment of ethnic Albanians by the Serbian police. Allegations of beating and torture against ethnic Albanians are not uncommon. The Special Rapporteur has received, with grave concern, information from a reliable non-governmental organization about a meeting with the President of the Pristina Regional Court in which the ill-treatment of detainees by the police was discussed. It was reported that the President of the Court supported such treatment when "crimes against the State" were involved, "irrespective of whether there was a conviction or not".

141. In addition to the brutal and excessive use of force by the Serbian police, a climate of ethnic hatred and repeated harassment adds to a feeling of insecurity among the ethnic Albanian population. In one case reported to the Special Rapporteur, on 13 January 1994 the Serbian police allegedly seized gold and silver jewellery from Albanian shops in Prizren without explanation. According to information received, if there was any resistance, the police would break shop windows and shopkeepers would be arrested and ill-treated. There are also reports that police at the border crossing between Serbia and the former Yugoslav Republic of Macedonia frequently seize goods and money and confiscate passports from ethnic Albanians.

142. The Special Rapporteur has continued to receive information concerning the illegal and forced eviction of Albanians from their apartments. In most cases, the evictions take place without prior legal proceedings. Furthermore, the evicted tenants are usually replaced by Serbian families. It is reported that in January 1994 alone, the Institute for Urban Planning for Pristina issued 17 eviction notices to Albanian families, all of whom were reported to have been occupying their homes for decades and to be in possession of all the necessary supporting legal documents. Evictions are also used arbitrarily by the authorities to penalize those who do not comply with their orders. In one case in Pristina, the wife and children of an Albanian who refused recruitment into the armed forces and left the country were evicted.

143. The Special Rapporteur has continued to receive reports concerning arbitrary detention and violations of the right to a fair trial by a competent and impartial tribunal (See E/CN.4/1994/47, paras. 169-171). In particular, these violations have been associated with several criminal proceedings initiated against ethnic Albanians in Pristina, Pec, Gnjilane and Prizren, who were all accused of causing a "threat against the territorial integrity of Yugoslavia" pursuant to article 16, paragraph 1 of the Criminal Code. Most of the accused are former officers of the Yugoslav National Army or the Territorial Defence Forces of Yugoslavia. Apparently, taking into consideration the previous military experience of the accused, the Serbian authorities have alleged that this group was setting up a military organization, forming armed units, registering conscripts for military service and collecting weapons. In December 1993, the Serbian Supreme Court extended for an additional three months the period of detention for some of the accused who were awaiting trial.

B.2. Sandzak

144. Although the human rights situation in this region has somewhat improved, the Special Rapporteur has continued to receive reports of serious violations. There is a considerable amount of information on abductions, the destruction of homes through arson and the use of explosives, and the general harassment of Muslims, including beatings and torture by the police, as well as arbitrary weapons searches in their homes. It is reported that Muslims are frequently summoned for "informative talks" to police stations where they are interrogated for hours and often ill-treated. It has also been reported that numerous Muslims in prominent positions have been dismissed and, in most cases, replaced by members of the ruling Serbian Socialist Party.

145. The Special Rapporteur has received reports that on 19 October 1993 proceedings were initiated by the District Public Prosecutor in Novi Pazar against 25 Muslims from the Sandzak regions of Novi Pazar, Sjenica and Tutin on the grounds of the illegal possession of weapons and threatening the territorial integrity of the Federal Republic of Yugoslavia through the creation of an independent Sandzak state. All but four of the accused have been confined to prison since May 1993. Their trial has commenced on 31 January 1994. In contrast to such prosecutions against Muslims, members of the ultra-nationalist Serbian Radical Party appear to enjoy immunity, although they are reportedly in possession of large quantities of weapons.

146. The Special Rapporteur has received allegations concerning the arrest between 25 and 28 January 1994 of approximately 100 Muslims, primarily members

of the Sandzak Democratic Alliance (SDA), in the region of Prijepolje, Bijelo Polje and Rozaje. According to information received, the police have given no explanation for the arrests. There are also allegations that the police have subjected the detainees to beatings and torture in order to obtain confessions.

147. The situation of Muslims appears to be considerably better in the areas of Sandzak situated in the Republic of Montenegro. The Montenegrin authorities have demonstrated a greater willingness to punish the perpetrators of ethnically motivated crimes. In particular, the Special Rapporteur has received information concerning four men who on 3 November 1993 in Podgorica were charged with murder and incitement of national and religious hatred. Apparently, on 31 May 1993 they had fired their guns at random in a predominantly Muslim suburb of Niksic, resulting in the death of a 37-year old woman and the wounding of her five-year old son.

B.3. Vojvodina

148. Despite certain improvements in the situation in Vojvodina, the Special Rapporteur continues to receive reports of serious discriminatory treatment and other violations against members of certain ethnic and religious groups. In particular, the killing of a Croatian family from Ocmokic on 30 July 1993 in Kukujevci instigated the exodus of the majority of the remaining Croats. Before the arrest on 15 November 1993 by the Serbian authorities of those suspected of this crime, and of the killing of a Croat from a village near Sid, some fifty Croatian families had left fearing for their safety. Those arrested were all members of the Serbian Radical Party. There are increasing reports of attacks against homes belonging to minority groups involving arson and the use of explosives.

C. Montenegro

149. Since the submission of his previous report (see E/CN.4/1994/47, paras. 216-221), the Special Rapporteur has not received any information indicating significant developments in the human rights situation in Montenegro. Nevertheless, the situation of the media continues to be a major area of concern. Attempts to restrict State control of the media through the adoption of new legislation have failed. The Belgrade-based Tanjug news agency dominates the information sector in Montenegro.

150. The situation of the media also affects the issue of maintaining the Montenegrin historical and cultural identity. A particular area of concern is the lack of recognition for the Montenegrin Orthodox Church, while the Serbian Orthodox Church enjoys official status. In this regard, it appears that the media is manipulated as part of a general policy of diminishing the importance of the Montenegrin Orthodox Church. For instance, the State-controlled television did not give coverage to an assembly of 15,000 people at a Montenegrin orthodox celebration on 6 January 1994.

151. According to information received, the Montenegrin authorities have accepted a considerable number of refugees from Bosnia and Herzegovina without imposing any restrictions against particular ethnic or religious groups or against men wanted for recruitment by the Bosnian Serb military.

D. Conclusions and recommendations

152. Further to the concluding observations in his previous report (E/CN.4/1994/47, paras. 237-244), the Special Rapporteur notes with concern the continuing serious violations of human rights, in particular: the use of brutal and excessive force by the police; public incitement to discrimination and hatred against ethnic and religious groups; restrictions on the freedom of expression and especially the control of the media by the State; the refoulement and forced recruitment of refugees; and abusive and discriminatory treatment against ethnic and religious groups in Kosovo and Sandzak, and in Vojvodina.

153. With respect to conscientious objection to military service, the Special Rapporteur recommends that the federal authorities adopt a law on amnesty and, furthermore, that they introduce alternative forms of service which are non-combatant or civilian in character, which are in the public interest and not of a punitive nature. The Special Rapporteur also encourages third States to grant asylum, or safe transit to another State, to conscientious objectors who would otherwise be subject to prosecution in the Federal Republic of Yugoslavia (Serbia and Montenegro).

154. The Special Rapporteur notes with concern the continuing support by the Federal Republic of Yugoslavia (Serbia and Montenegro), including the direct involvement of the Yugoslav armed forces, for Bosnian Serb forces which have been primarily responsible for large-scale "ethnic cleansing" and other grave violations of human rights.

155. Further to the consideration of discrimination and citizenship in his previous report (see E/CN.4/1994/47, paras. 182-183), the Special Rapporteur recommends the adoption of appropriate legislation on citizenship in order to remove the legal uncertainty surrounding citizenship of the Federal Republic of Yugoslavia and the possibility of discriminating on grounds of ethnic, religious or other origin.

156. The Special Rapporteur recalls his previous recommendations concerning international support for the development of the democratic opposition in Serbia.

157. The humanitarian situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) has been described in the previous report of the Special Rapporteur (E/CN.4/1994/47, paras. 222-226). It has been reported that since then the situation has further deteriorated. The gravest impact of the devastating spiral of inflation and the overall deteriorating economic situation has been on the unemployed, the sick, the elderly, single parents, and children. Medicine, medical equipment and food are in particular short supply.

158. The Special Rapporteur recalls his previous recommendation (see E/CN.4/1994/47, para. 244) concerning the need for medicines and humanitarian assistance for vulnerable groups, and in particular, the review of procedures within the Sanctions Committee in order to expedite the delivery of such humanitarian assistance. Since then, there has been a considerable improvement on the part of the Sanctions Committee in expediting the delivery of humanitarian assistance destined for refugees by international agencies such as UNHCR. In other cases, however, the clearance of medicines and other related items is still subject to prolonged delays.

IV. FORMER YUGOSLAV REPUBLIC OF MACEDONIA

A. Introductory remarks

159. Following the adoption by the Security Council of resolution 817 (1993) of 7 April 1993 and the subsequent General Assembly vote, the Former Yugoslav Republic of Macedonia was admitted as a member of the United Nations in April 1993.

160. Full integration of this new State into the international community as recommended by the Special Rapporteur (see E/CN.4/1993/50, para. 255) is relevant to the effective promotion and protection of human rights in as much as this will allow it to receive the international assistance it requires to develop further its democratic institutions and to improve its economic situation. In this way, it will have the opportunity to effectively create more appropriate conditions for the full enjoyment of human rights.

161. At the end of 1993, through the positive attitude and cooperation of the Government, the Centre for Human Rights was able to open a field office in Skopje. The main task of the field office in Skopje is to provide the Special

Rapporteur with objective, reliable and comprehensive information to allow him to assess fully the human rights situation. The following report is mainly based on the findings of the field staff, as well as on information provided by international observers and other reliable sources. The Special Rapporteur is particularly indebted to UNPROFOR and to the Conference on Security and Co-operation in Europe (CSCE) Spill-over Mission.

162. The Special Rapporteur wishes to acknowledge that the Government has expressed its willingness to be bound by almost all the basic international instruments in the field of human rights, and has initiated the relevant procedures in this connection.

B. Administration of justice

163. The legal structure of the Former Yugoslav Republic of Macedonia has not yet been completed and thus the Constitution adopted on 17 November 1991 (see E/CN.4/1993/50, paras. 219-231) has not yet been fully implemented. Many of the essential laws that will constitute the legal structure of the State, in accordance with the Constitution, have not yet been adopted by the Representative Assembly and the relevant laws from the time of the former Yugoslavia are still in force. These old laws are currently being revised by the Constitutional Court in order to adapt their provision to the new Constitution.

164. The law on the judiciary has not yet been adopted by the Representative Assembly owing to the large amount of votes required, (a majority of two thirds), and to a lack of agreement among the different political parties represented in the Assembly. It appears the ethnic Albanian parties would oppose the draft unless it includes the creation of a second instance court in Gostivar, where there is a considerable concentration of the Albanian population, and unless the Albanian language is also used by the judges. As a result of this situation, the courts are still organized in accordance with the law of the Socialist Federal Republic of Yugoslavia.

165. On 26 January 1994 the Representative Assembly appointed the seven members of the Republic Judicial council of whom one is of Albanian and one of Turkish origin. In accordance with article 10 of the Constitution, the Council proposes candidates for the judiciary to the Assembly.

166. The Constitution provides for a public attorney to be elected by the Assembly, with the mandate of protecting the constitutional and legal rights of citizens when these rights are violated by bodies of the State administration and by other bodies and organizations with public mandates (art.77). However, the law on the public attorney has not yet been adopted and thus, no public attorney been elected.

C. Situation of the mass media

167. Freedom of public expression, speech, public address and information, as well as freedom to establish institutions for public information are guaranteed by the Constitution. Censorship is prohibited. However, it has been reported that the State exerts considerable influence over the media through the control of national television and of Nova Makedonia, the biggest printing and publishing house.

168. Since at this stage there is no private entity in the country with the economic capacity to invest in a printing house and to produce a daily newspaper on a minimum profit basis, it seems inevitable that the only large-scale printing facilities are owned by the State. It was pointed out that two newspapers in the Albanian and Turkish languages, Flaka e vlazerimit and Birlik are produced by Nova Makedonia; the State bears the financial losses involved and without State support these national minorities would not have a newspaper in their languages.

169. The situation of the electronic media seems to be somewhat different, although a distinction must be made between radio and television. Except for the Serbs, all national minorities have radio programmes, which are broadcast country-wide in their mother tongue by the National Radio of Macedonia. Local radio stations are said to have flourished since independence.

170. The situation concerning the television appears to be similar to that of the daily in that only the state has the economic means to run a television station capable of transmitting country-wide, which requires a network of repeaters and local retransmitting stations installed throughout the whole territory.

171. Thus, until the economy and market becomes strong enough to allow for private investments in radio and television stations capable of broadcasting country-wide on a profitable basis, State ownership of these facilities seems inevitable. Nevertheless, there should be equal access to these facilities for all political parties and national groups.

D. Situation of national minorities

172. In accordance with article 78 of the Constitution, the Representative Assembly has established the Council for Inter-Ethnic Relations under the chairmanship of the President of the Assembly. Although this Council has been constituted and its members appointed, its activity so far has not brought any meaningful results.

173. According to the 1991 census, Albanians constitute the largest national minority, roughly 22 per cent of the total population, concentrated mainly in the areas close to the north-western border and in Skopje. It should be noted that the Albanians, who boycotted the 1991 census, contend that they account for far more than 22 per cent of the population and should not, therefore, be considered as a "minority" but as a constituent nation with equal constitutional status with Macedonians. A new census, under the supervision of the Council of Europe, was originally scheduled to take place in April 1994, but so far there has been no agreement in the Representative Assembly regarding this issue.

174. In accordance with their aspiration to national equality with Macedonians, the Albanians also wish to raise the status of their language, to that of an official language, equal with Macedonian. It must be noted that in accordance with the Constitution, the Albanian language is also in official use in the units of local self-government where Albanians constitute a majority or are present in considerable numbers (art.7).

175. In the field of education, Albanians complain of insufficient educational opportunities in their language and, in particular, of the absence of an Albanian-language university. While the Government appears to acknowledge the problem, it does not seem to be in a position to invest in new schools owing to the current economic difficulties the former Yugoslav Republic of Macedonia faces.

176. There has been a general increase in the admission of members of national minorities to the St. Cyrill & Methodius University of Skopje. According to figures produced by the university, in 1991 7 per cent of students admitted belonged to national minorities, in 1992 8 per cent and in 1993 11 per cent. The break-down of these figures reveals that the admission of Albanian students increased from 3 per cent in 1991 to 6 per cent in 1993; the ratio of Turkish entrants remained stable at 3 per cent; and the number of admissions of students belonging to other minorities increased from 3 percent to 4 percent between 1991 and 1993.

177. A quota system has been established whereby an additional number of vacancies equivalent to 10 per cent of places can be occupied in all faculties by students of the different national minorities. Under this 10 per cent quota system, applicants who do not obtain the amount of points required to be

admitted by the normal standards, can still register if they claim that they belong to a national minority and have obtained a minimum amount of points. It has been reported that the performance of such candidates tends to be rather poor and that very few obtain enough points to qualify for admission under the lower standards. Thus the 10 per cent quota is seldom filled. Owing to an inferior knowledge of the Macedonian language, most ethnic Albanian students whose schooling has been mainly in their own language find themselves at a disadvantage when competing with ethnic Macedonians.

178. It has been reported that there is a movement among educated Albanian women to promote better access for Albanian women in general to higher levels of education. It appears that few of them have such access because of the traditional views of their parents, who do not think it necessary for their daughters to be educated beyond high school or, in some cases, primary school.

179. In connection with employment in the public administration, the Government appears to acknowledge that Albanians are considerably under-represented, particularly in the police force, the military and the diplomatic and consular services, as well as the importance of reversing this situation. It has been reported that this may be partly due to the fact that Albanians do not have many "cadres" with enough qualifications for high official positions. Nevertheless, the Government has reportedly changed enrolment conditions in order to admit more Albanians and is taking appropriate steps to increase Albanian participation in the army and in the diplomatic service. The number of policemen of ethnic Albanian origin is increasing steadily. At present, 20 per cent of police school graduates are Albanians.

180. The Serb minority complains that it does not have a newspaper, or television or radio programmes, in its language. However, it must be noted that various newspapers and magazines from the Federal Republic of Yugoslavia (Serbia and Montenegro) are normally available, and that Yugoslav radio and television are also normally received. It has been reported that a daily hour of radio broadcasting in the Serbian language is planned as soon as the law on the financing of broadcasting is adopted by the Representative Assembly. The project is said to include the recruitment of ethnic Serb journalists for this purpose. It should be recalled that Agreed Minutes were signed on 27 August 1993 between the Government and representatives of the Democratic Party of the Serbs. However, this resulted in a change of leadership in that party and the expulsion from the party of the chairman who signed the agreement.

181. A controversial issue is the performance of religious services by Serbian Orthodox priests. The Macedonian Orthodox Church and the Serbian Orthodox Church do not recognize each other. It has been reported that two Serbian priests have been allegedly prosecuted by the authorities for conducting religious services in the homes of Serbs. According to official information two priests of the Serbian Orthodox Church were sentenced by the Municipal Court in Kumanovo on 16 January 1994. Without obtaining the approval of the Macedonian Orthodox Church and the police department, they had stayed on the territory of the Republic, conducting church services in eight villages populated by Serbs, at Christmas and on New Year's Eve. During the services, it was alleged one of them had induced religious and national hatred among the villagers. Both priests had been fined.

E. Refugees and the humanitarian situation

182. Following a decision made by the government, since August 1992 no more refugees have been admitted to the Republic. However, a certain number of individuals fleeing the war have continued to enter the country illegally. Moreover, between 400 and 450 refugees have been legally admitted and have received assistance from the UNHCR, although without being recognized as refugees by the government. The UNHCR is not aware of any case of refoulement.

183. Many refugees have already gone to third countries and, following an evaluation made by UNHCR in the middle of 1993, it was then assisting only 10,000 refugees almost exclusively from Bosnia and Herzegovina. About 80 per

cent of these refugees are accommodated with host families. The remaining refugees are in five collective centres, four of which are located in Skopje and the remaining one in the area of Mavrovo. According to UNHCR, the overall living conditions of these refugees appear to be quite satisfactory. Parallel to the refugee programme, UNHCR also has a programme of support for social cases, mainly the 12,000 families registered by the Government as "classical" cases.

184. While the Government recognizes the existence of 50,000 social cases, humanitarian agencies on the ground consider that their number amounted to some 169,000 in December 1993, excluding pensioners. Most ethnic Albanian villages along the north-west border are in urgent need of humanitarian aid: 30,000 farmers have been severely affected by a recent drought and lakes and rivers have dried up. Hygiene is also a problem and many cases of hepatitis have been reported in the area of Prilep.

185. Medical shortages along the border with Kosovo appear to be considerable. Before the disintegration of the former Yugoslavia, most Albanians from that area used to travel to Kosovo for medical assistance because medical facilities were not, at that time, available on the Macedonian side of the border.

F. Conclusions and recommendations

186. The former Yugoslav Republic of Macedonia is a new State faced with serious difficulties, due to adverse external and domestic conditions, in its transition from socialism to democracy based on the rule of law. The consolidation of the overall stability of the country is a key element in the maintenance of peace in the region and thus, for the enjoyment of human rights. The destabilization of Macedonia could bring much suffering not only to its own population, but also to that of the neighbouring countries. Mutual understanding and trust among all citizens of the Republic regardless of their ethnic origin is an important part of this process.

187. Since the Special Rapporteur submitted his previous report a certain amount of progress has been achieved in the process of eliminating discriminatory practices. Despite certain problems concerning the rights of national minorities, the Special Rapporteur expresses his satisfaction at the fact that these problems are being approached within the framework of the Constitution and encourages the parties concerned to continue to do so. The Special Rapporteur urges the Council for Inter-Ethnic Relations to pursue its efforts.

188. Progress has also been accomplished as far as freedom of the media is concerned. Nevertheless, the Special Rapporteur reiterates the opinion expressed in his previous report that full pluralism of the media in the former Yugoslav Republic of Macedonia has not been achieved.

189. The Special Rapporteur urges the international community to increase to an adequate level technical and financial assistance for a fair and immediate compensation for the losses incurred by the economy in the implementation of the sanctions imposed by the United Nations on the Federal Republic of Yugoslavia (Serbia and Montenegro). The Special Rapporteur also urges donor countries to consider providing the former Yugoslav Republic of Macedonia with adequate bilateral technical and financial assistance with a view to fostering the overall development of the country.

V. SLOVENIA

190. The mandate of the Special Rapporteur, as described by the Commission on Human Rights in its resolution 1993/7 also covers the Republic of Slovenia. In his report of 10 February 1993 (E/CN.4/1993/50), the Special Rapporteur pointed out "that Slovenia is still in a process of transition to a democratic society, which influences the implementation of various human rights. Certain important problems have not yet been satisfactorily resolved including restoration of property rights, pluralism in the media, etc." (para. 215). The Special

Rapporteur concluded that "the situation in the Republic of Slovenia does not at present give rise to major concern" (para. 216).

191. Slovenia became a member of the Council of Europe on 14 May 1993. It has also signed the Convention for the Protection of Human Rights and Fundamental Freedoms (The European Convention). However, ratification of that Convention will require certain modifications to the existing law.

192. In the above-quoted report, the Special Rapporteur drew attention to the activities of the Council of Human Rights and Fundamental Freedoms established in Slovenia in 1990. The term of office of the members of the Council expired at the beginning of 1993. The National Assembly, however, decided that former members of the Council should continue their mandate until the law on the human rights Ombudsman was adopted. That law was finally adopted on 20 December 1993. In the light of its interim provisions the Council should function until the Ombudsman assumes his/her duties. The Law on the Human Rights Ombudsman gives this institution a wide range of competencies as far as the protection of individual rights is concerned. The Ombudsman is also authorized to approach the legislative and administrative authorities on general matters when the protection of human rights is at stake.

193. In a previous report referred to above (E/CN.4/1993/50) the Special Rapporteur expressed the opinion that "the Republic of Slovenia has managed to solve the citizenship issue without creating a feeling of discrimination or insecurity among its inhabitants" (para. 201). However, in 1993 certain legislative changes were proposed in order to tighten the conditions for obtaining citizenship through naturalization. Those changes could have resulted in discriminatory treatment against some categories of applicants. The law was originally passed by the National Assembly, but owing to the veto of the National Council it came back to the Assembly, where it did not obtain the required majority. A new draft does not contain discriminatory provisions.

194. Controversy has arisen in regard to the draft law on the abolishment of dual citizenship. The Council of Human Rights and Fundamental Freedoms in its opinion of 4 October 1993 stated that "the most controversial are those provisions that may cause individuals the loss of nationality, i.e. denaturalization, and may adversely affect their acquired rights, thus having a retroactive effect, and being discriminatory on the basis of ethnicity, origin, and some other reasons". The opinion of the Council was endorsed by the participants of a seminar organized by the Council of Europe in December 1993. The Special Rapporteur supports the efforts of the Council and points out that the proposed abolition of dual citizenship may cause a violation of human rights of affected categories of individuals.

195. Unresolved citizenship status remains the main reason for individual complaints lodged with the Council of Human Rights and Fundamental Freedoms. It seems that unduly delays in administrative procedures create a serious problems for significant number of applicants.

196. The Council also points out that the individual's rights to an effective legal remedy have been seriously hampered by the length of court proceedings. The courts, in particular in labour disputes, are not able to reach their decisions within a reasonable time limit.

197. Various international and local observers point out that occasional signs of extreme nationalism and xenophobia can be observed in Slovenia. They have not, however, received popular support and, therefore, have not escalated into inter-ethnic acts of violence.

198. With regard to the situation of the media, in his previous report (E/CN.4/1993/50) the Special Rapporteur mentioned that new draft legislation on the media has been prepared in cooperation with the Council of Europe. However, the new law has not been passed. The Government seems to be continuing its control of the media, in particular television.

199. Some of the most important problems of refugees described in the previous report of the Special Rapporteur (para. 204-209) remain essentially the same. In that context the problem of family reunion, restriction of freedom of movement or the fact that refugees are not permitted to seek employment other than that connected with the functioning of the refugee centres should be mentioned.

200. The Special Rapporteur once again reiterates his opinion that in Slovenia, in spite of all the difficulties, which to a large extent can be attributed to the transition to a democratic society, the human rights situation is by and large satisfactory. The very fact that Slovenia has met the conditions which enable it to obtain membership of the Council of Europe speaks for itself. For all these reasons, the Special Rapporteur recommends that the Republic of Slovenia, barring any unforeseen circumstances, should be excluded from his mandate.

VI. PROBLEM OF DISAPPEARANCES

201. The problem of disappearances in the former Yugoslavia is a very serious one. Worse still, it is growing rapidly. The United Nations is now seized with over 11,000 cases of missing persons. According to estimates, the number may well exceed 15,000 in the coming months. It is impossible at this stage to calculate a number of missing persons resulting from the war in Bosnia and Herzegovina.

202. The Special Rapporteur has always placed a strong emphasis on this problem. During his missions he addressed it in his discussions with relatives of missing persons and representatives of Governments concerned. In his first report to the Commission on Human Rights the Special Rapporteur concluded that there was an urgent need to establish an investigative commission, under the auspices and in cooperation with the competent United Nations bodies, with the task of examining the fate of those who disappeared following the siege of Vukovar and those who have disappeared elsewhere (E/CN.4/1992/S/-1/9, paragraph 67, 28 August 1992). A similar recommendation made by the Special Rapporteur is to be found in a memorandum to the Secretary-General, dated 4 September 1992.

203. At the initiative of the Special Rapporteur, a mission was undertaken by the Special Rapporteur on extrajudicial, summary or arbitrary executions from 15 to 20 December 1992 to make a preliminary investigation of allegations of mass graves (see E/CN.4/1993/50, annex I).

204. At its forty-ninth session, on 23 February 1993, the Commission on Human Rights adopted resolution 1993/7, in which it inter alia requested the Special Rapporteur, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia.

205. Accordingly, at the request of the Special Rapporteur, Mr. Toine van Dongen, a member of the Working Group conducted a mission to the Republic of Croatia and to the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to consult with relevant governmental officials, representatives of intergovernmental and non-governmental organizations, and the families of those who had disappeared, in order to determine which mechanisms might usefully be proposed with a view to elucidating the fate or whereabouts of missing persons. Mr. Van Dongen also consulted with the ICRC.

206. The results of this mission, including detailed proposals for an appropriate mechanism, called a special process, are contained in the report of the Working Group on Disappearances to the Commission on Human Rights of 15 December 1993 (see E/CN.4/1994/26 and in particular Add.1).

207. The special process should take a strictly humanitarian, non-accusatory approach to clarifying cases of missing persons in the former Yugoslavia. The

special process should be entrusted to the Special Rapporteur in a joint mandate with one member of the Working Group on Enforced or Involuntary Disappearances.

208. The Special Rapporteur fully endorses the proposals summarized above. He is convinced that the United Nations is under an obvious obligation to act more effectively with respect to cases of missing persons.

VII. SITUATION OF CHILDREN

A. Introductory remarks

209. While the Special Rapporteur acknowledges that the civilian population in its entirety has suffered as a result of the war, he has found it necessary to focus on the situation of children because they are the most dependent gourd of a society and because what they experience will have long-term repercussions for themselves and for the society to which they belong.

210. In order to analyze the situation of children, the staff of the Special Rapporteur travelled to most of the regions of the former Yugoslavia. They met in each case with national authorities, international agencies working in the area, local and international non-governmental organizations and individuals The nature of the issues, the complexity of the situation and the difficulty in gaining access to the war zones and obtaining reliable data makes it impossible for the Special Rapporteur to present a comprehensive report on all the factors which are affecting children's well-being. This report therefore focuses only on the main concerns.

211. It should be noted that in the process of gathering information on this vulnerable group, it became apparent that all civilians who have been caught in the conflict in the former Yugoslavia can be considered in one way or another as "vulnerable". Men are also affected by the traumatic events that they have experienced, witnessed or committed themselves during the war. Men of draft age from Bosnia and Herzegovina who object to fighting in the war are in a particularly precarious position. They cannot obtain exemption, and leaving the country is often not a solution because of the policy adopted by the neighbouring reception countries through which they pass to a third country.

212. Women are also vulnerable, especially when they are separated from their families and are left to face the war alone. The accounts of women who have been victims of sexual abuse highlight their vulnerable situation.

213. Old people are equally at risk because of their age and their inability to care for themselves. Being attached to their land they find displacement particularly difficult to cope with.

214. These aspects are mentioned and are worth keeping in mind because children are dependent on adults for their protection and safety. The vulnerability of their fathers, mothers and other relatives is a destabilizing factor in children's lives.

215. Groups of psychologists, sociologists and other professionals from the former Yugoslavia have repeatedly warned of the serious consequences that the war would have on children, many of which would take generations to be resolved. Their calls have gone ignored. Indeed the outbreak of hostilities and the nature of the war in the region have led to numerous and continuous violations of most of the rights of the children.

216. The former Yugoslavia, as well as its successors States, have ratified the Convention on the Rights of the Child.

B. Children in war

217. In various regions of the former Yugoslavia the drive for "ethnic cleansing" has made the civilian population a primary target, with the

objective of displacing them from their homes. The impact of these events on children, who themselves have often witnessed or suffered attacks is still impossible to quantify. It is already clear, however, that the damage has not been restricted to children's physical integrity and health; the war is inflicting less visible but equally serious damage on the psychological well-being of children.

218. The war has disrupted the environment of children in the most dramatic way and has rendered impossible the satisfaction of their most basic needs. UNICEF estimates that close to 281,000 children are living under the constant shelling of their residential areas, and are forced to endure artillery exchanges between rival troops in the vicinity of their homes, attacks by armed forces on their homes and villages and shelling of their schools.

219. The most basic of human rights, the right to life, has been constantly disregarded. In many reported incidents children have been the primary victims of sniper and mortar attacks. Recently, on 23 January 1994, four children were killed in a playground in Mostar, and four in Tuzla, while three mortar bombs killed six children in Sarajevo on 22 January 1994. Data quoted by UNICEF indicate that since the beginning of the war close to 16,000 children have been killed in Bosnia and Herzegovina.

220. Large numbers of children have suffered direct injuries from bombing, shelling and snipers. Hospitals are often unable to give them adequate treatment for lack of resources, or because equipment has been damaged or is over-utilized by all the war injured. Many children have suffered amputation, burns or the loss of sight or hearing, with limited treatment. The war leaves little room for the psychological intervention and training needed to help them accept and cope with their disabilities. Interviews with surviving children give a glimpse of the level of traumatization that such injuries leave in their minds. Memories of the event remain with them for a long time, causing extreme nightmares, daily intrusive flashbacks of the traumatic events, fear, insecurity and bitterness. These children have their future development shattered by their experiences.

221. The attempts to alleviate the lack of medical facilities have led to medical evacuation schemes from UNHCR, ICRC and The International Organization for Migration. They are however, reserved for cases fulfilling very specific criteria and are thus not commonly available to the majority of children.

222. Even when children do not suffer physically as a result of the war, the exposure to frequent shelling and stressful situations affects them. Thus, in October 1993 in the village of Potocari in the area of Srebrenica, a 15-year old girl was reported to have gone into deliriums and hallucinations after a terrifying nightmare. She was diagnosed as suffering from schizophrenia reactiva as a consequence of serious war trauma. The house where she lived was located in a area that at times received 5,000 shells a day. The hospital in the area reported 19 cases of serious mental problems in the enclave at that time.

223. The violent death or injury of someone close to a child, in particular a parent or a care giver, especially if it is witnessed by the child, is known to bring about severe stress and depressive reactions. There are disturbing accounts from children who have not only witnessed their parents being killed, but have been actively forced to watch their killing or, at least, their suffering. An interview conducted by an international worker with a child from a village near Foca provided details of how a child of 13 years was forced by Bosnian Serb forces to see his father, some relatives and other villagers, shot against a wall in May 1992. Interviews conducted by UNICEF staff with children from Vukovar revealed that some of them saw members of the Yugoslav National Army (JNA) come to their houses in September 1991 and execute their fathers in front of them:

> "My father was killed, the army killed him. In front of our house there were barricades, but the army came with tanks and the gunfire was so

strong ... then the army came to our house. The soldiers shouted 'is there anyone here' and my father said 'yes, yes, I'm here with my children and wife, don't shoot'. But they shot my father, they killed him. He fell down the stairway and then one of the soldiers came and kissed me and my father and said 'We didn't kill your father, a shell exploded'. But they were lying. I saw it all. There were three of them, they killed my father with one bullet each. They shot him three times in the head, with dum-dum bullets. The bullets went into his face, and everything came out of the back of his head ... my mother held his brain in her hands. She pleaded they shouldn't kill my brother and me."

224. On many other occasions children have witnessed the rape of their mother or close relatives.

Detention of children and torture

225. Many children have been placed in detention centres and several of them have been tortured there, according to reports that have been brought to the attention of the Special Rapporteur. Girls, for instance, have been raped and have seen their mothers being raped and injured. In one case, an 11-year-old girl who had witnessed the killing of the young men from her town was detained by Bosnian Serb soldiers in Lukavica with her mother and was then taken with her and other girls and women to a place where many were raped. She saw a woman slashing her mother's breasts with a broken bottle; later she was turned against the wall and shot at; she was saved by the screams of her mother which made her turn and avoid the whole impact of the bullet but not its physical and psychological scars. A few days later mother and child escaped from detention. After multiple displacements they found refuge in Sarajevo. This child was severely traumatized and began to cry as soon as she heard the sound of shelling. She often asked her mother to "take her away from here".

226. The Special Rapporteur has learned of children and their mothers being beaten in a Bosnian Serb detention centre near Zvornik. The events took place in 1992 and involved persons from an area near Cerska who had been detained in Karakaj, and then in Batkovic camp near Bjeljina. The account indicates that children as young as four years old were beaten and sexually abused.

227. Boys as young as 12 and 13 years old have also been victims of imprisonment and torture in detention centres. Specific accounts of children released from detention centres at Dretelj and Gabela in western Herzegovina in late August 1993 indicate that some of them were forced by their Bosnian Croat guards to beat their fathers.

228. In central Bosnia, in the areas of active conflict like Vares, Bugojno and Kisejlak there have been several allegations of rough handling and brief periods of detention of boys as young as nine years old. Similarly, it has been alleged that boys of 12 years of age have been taken with other prisoners to dig trenches in the frontlines.

Deprivation of food

229. The general impoverishment which has followed the collapse of the economy in most parts of Bosnia and Herzegovina has made a great portion of the population almost entirely dependent on foreign aid. The many deliberate obstructions of aid convoys by the warring parties have had repercussions on the level of nutrition and normal growth of children, particularly by early 1994, when most agricultural reserves have been exhausted.

230. According to a recent survey conducted by UNICEF among children from Sarajevo, the fear of death from hunger and cold ranks as one of the main causes of trauma and depressive reactions in children. Children living for extended periods in shelters are also forced to spend long periods without food or water.

Disruption of education

231. The war has interrupted the education of a significant number of children for various reasons, of which enforced displacement in perhaps the most important. When children are forced from their home communities they often leave behind materials and books. Upon their arrival at a new place of reception, their parents may be in a state of shock or feel uncertain about the duration of their stay and may not take steps to enrol their children at local schools - assuming that these are still working. Indeed, the arrival of large numbers of displaced persons has regularly forced communities to convert schools into reception centres or hospitals. In addition school buildings have also been destroyed by fighting.

232. The school system has also been disrupted by the drafting of teachers and even of some of the students. In cities and enclaves under siege, the danger from shelling forces children to remain in cellars at home without much contact with their peers for extended periods. The fear of parents for the safety of their children also prevents many children from attending school.

233. The disruption of their children's education has been identified as one of the main worries of displaced mothers once they reach a place of relative safety. Many of the agencies, international organizations and non-governmental organizations working in the region have recognized the importance of school attendance and education for the children's sense of continuity, stability and normality. They have made efforts to help local authorities reopen schools, or continue providing education even in the worst situations, such as those in enclaves and cities under siege. However this has not been easy to do. In Sarajevo, classes were interrupted for almost a year after the siege began in April 1992. During this time, several very dedicated teachers took the initiative of continuing their classes at their homes, in basements or in other relatively safe places until classes resumed in March 1993. It is impossible to determine the exact level of attendance among children of school age, although it appears to be relatively high.

234. In east Mostar, with the assistance of UNICEF, schools are functioning in basements under extremely difficult conditions as no electricity is available. Children study by candle light and there are only very basic teaching materials. These conditions notwithstanding, the number of children attending school has increased from 140 in the first month of the conflict in Mostar to 4,000 in early January 1994. The dedication of their teachers is admirable. UNICEF reports that they are beginning to organize secondary schools and even some tertiary education.

235. In Srebrenica, which has received a very large number of displaced persons, education resumed in the summer of 1993, once the displaced people who were living in the school building were successfully re-accommodated. Within a few weeks, a radical change in the children's attitude was noted by the parents, authorities and international agencies. Most of the children became more active and lively, and began to play in a more orderly way.

236. In another enclave, Zepa, the school was reorganized in June 1993 almost immediately after the fighting stopped and an improvement in the children's attitude was also registered, even though many of them were very slow in getting into their work and many had forgotten some of their previous knowledge.

237. In Zenica, Tuzla and towns in Herzegovina, local schools have difficulties absorbing displaced children and so not all of them can attend. Moreover, after a long period of relative isolation the communities have reached a stage of "compassion fatigue" and are more reluctant to accept displaced children into an overburdened system. Some children refuse to attend school if they have experienced humiliation from local children. Their mothers are reported by international social services staff, to be depressed by their long stay in collective centres and are therefore less active in ensuring that

their children receive formal education. School attendance for local children in these areas is said to be easier.

The plight of adolescents in war

238. Adolescents are at a stage of life when they undergo many physical and emotional changes. They are also in a process of establishing some independence from their families and their own perceptions of the outside world and are at a crucial point in the development of their identity. Because they have the cognitive maturity for reasoning and the ability to understand the far-reaching consequences of the war they are in many ways more vulnerable to its stress the young children. The needs of this group, however, are not always obvious or recognized by the parents and the community. They may even be forced to assume a prematurely adult role following stressful events or to take on the father's role. Many of these youngsters may appear to cope with the situation but their lack of emotional maturity may require the help of adults. In fact, it is understood that peers and adults such as teachers or community leaders can become an important source of support and security for adolescents.

239. Following the stressful experiences of the war many adolescents engage in high risk acts, in the abuse of drugs and in acts of delinquency like stealing and looting. The lack of organized activities for them only adds to their stress.

240. The particular needs of adolescents are not always acknowledged. The authorities, agencies and other organizations tend to focus primarily on the younger age groups. The limited resources and activities available are mostly directed towards young children, while adolescents are believed to be able to occupy and organize themselves. Even in the field of education, efforts are concentrated on assisting primary schools first and secondary schools later. In the provision of food no particular consideration is given to the growth needs of adolescents.

241. International staff working in Bosnia and Herzegovina are encountering adolescents who have "weeping crises", who attempt suicide, who are in a state of depression and who have increased levels of aggression and delinquency. Many adolescents have the added stress of deciding whether or not to participate in military activities. It has been impossible to ascertain how many adolescents have been recruited - voluntarily or under duress - into the various armies. In the Bihac pocket there have been allegations that boys as young as 16 may have been forcibly drafted into the army of the so-called "Autonomous Province of Western Bosnia and Herzegovina". In the UNPAs many boys of 15 to 17 years of age have volunteered for, and sometimes been accepted, into the army of the so-called "Serbian Republic of Krajina".

242. The strong ethnic animosity of the war in the former Yugoslavia has placed the children of mixed marriages in a particularly difficult situation. Their difficulties are likely to intensify in areas close to conflict zones, where the level of intolerance is high. These children suffer the psychological stress of seeing their families divided by the conflict and having to choose the side of the family to which they want to belong. They also face problems in the way they are perceived by the community in which they live. While there are many factors that influence this perception, reported cases of harassment indicate that in the case of boys the nationality of the father is likely to determine the way he is perceived by the warring factions.

243. The disintegration of families and the dramatic impoverishment of the population has also contributed to the general deterioration of values. International staff working in the area and non governmental organizations working in community-based programmes report the prostitution is on the increase even among young girls, especially in areas where large numbers of soldiers are concentrated. They are also concerned at the rising numbers of unsupervised children who wander in the streets with nothing much to do.

244. Even though difficult to quantify, domestic violence appears to be on the increase in areas close to the conflict and primarily affects children. The scale of child abuse, however, is unclear.

Unaccompanied minors and evacuation of children

245. The war has separated many families. Before the disintegration of the former Yugoslavia there were many children living in institutional care or receiving medical treatment in a republic other than the one in which their parent(s) lived. After the war began, contacts between these parents and their children were affected. In many instances children have not heard from their parents for long periods or only sporadically. Moreover, even when the whereabouts of the parents and these children have been identified, the possibilities for reunion have been limited.

246. Children have also been sent away by their parents to other towns or countries for their safety, with the hope that the family will be reunited later. In many of these cases the evacuation, regrettably, was not properly organized. Children were evacuated by well-meaning organizations without regard for the basic principle that separating children from their parents is one of the most traumatic experiences a child may have. Some of those evacuations were also not properly documented and did not include provisions for follow-up and mechanisms for continued contact between the families, all of which may jeopardize the possibilities of these families being reunited and is causing anguish to parents and children who have had no contact with each other, in some cases, for newly two years. In June 1992, UNICEF and UNHCR issued a "Joint statement and guidelines for the evacuation of children" with the aim of reducing improperly organized evacuations. The impact of this measure, however, has been impossible to calculate.

247. Family separations have also occurred when mothers and children left their homes while the fathers were at the front line or in detention. In many instances they have suffered multiple displacements, which further jeopardizes the tracing of relatives and the possibilities of reunion, or they have been separated by changing frontlines. Moreover, during multiple displacements many children have lost the parents or relatives who were accompanying them as casualties to the war.

C. Refugee and displaced children

248. Among the refugee and displaced children there are many children who are severely traumatized and clearly suffering from Post Traumatic Stress Disorders (PTSD) because of their experience in war zones. Their identification and treatment, however, is not easy as it requires attention and investment. In most of the receiving countries of the former Yugoslavia, Governments, international agencies and non-governmental organizations have acknowledged the problem and begun to provide treatment to persons in need, including children. The scale of the problem indicates that more resources will have to be allocated to this end.

249. Even those who are not traumatized suffer psychological problems. Accounts received from psychologists working with displaced persons and refugees portray a picture of general despair, a terrible sense of loss and anguish over the fate of relatives (especially husbands and fathers), feelings of guilt at not sharing the same suffering as those currently in the war, great uncertainty and worry about the future, and depression which grows deeper with the passage of time.

250. These feelings are aggravated among those who are living in collective centres, deprived of any privacy. Particularly if they do not attend school, the children's days are filled with boredom as there is nothing to do. Life in a collective centre deprives the members of the family of their normal roles. Even if reluctant to accept the situation initially, many of the refugees and displaced placed in collective accommodation gradually lose their capacity for self-reliance and a sense of control over their own life. In this framework,

many parents no longer have the energy to cater to the needs of their children who are then left without much supervision. Faced with the withdrawal and passivity of the adults, children and adolescents are likely to develop behaviourial problems, drinking, aggression, smoking, etc.

251. The large number of refugees and displaced persons has put enormous pressure on the economies and infrastructure of the host countries. Official figures indicate that in Croatia there are 241,492 registered displaced persons and 252,153 registered refugees. It is estimated that on top of those figures there are some 37,500 unregistered displaced person and refugees. Approximately 33.6 per cent of the refugees and 31.7 per cent of the displaced persons are children under the age of 16. The refugees and displaced represent close to 6 per cent of the present population of Croatia. Approximately 57 per cent of the refugees have declared themselves Muslims and 41 per cent as Croats.

252. According to information provided by the Government of Croatia all the internally displaced children (Croatian) have been absorbed into the primary and secondary school system. However, nearly a third of the registered refugee children are not attending school. The children of unregistered families are not entitled to any form of assistance with education or medical care. The number and concentration of the refugee population has stretched the capacity of many schools to the limits and has forced the authorities to use school buildings in several shifts. In spite of these practices, places are still insufficient. In this situation, Croatian children have priority in gaining access, especially to secondary schools. Refugee children may be offered a place in a school far away from where they live or in a different town. The availability of transport and its cost may then become obstacles to the child's schooling. Other obstacles are the lack of teaching staff and suitable school buildings or the limited resources allocated for their provision.

253. In some cases, especially in some of the Dalmatian municipalities which are close to the theatre of inter-communal fighting in Bosnia and Herzegovina, the attitude of the population towards the refugees has changed since the outbreak of fighting between Bosnian Croats and Bosnian Muslims in March 1993. Some refugee parents have become afraid of sending their children to the local schools or are suspicious of the recent ideological changes introduced into the school curriculum, particularly in history, geography, literature and social science. There have been isolated reports of school principals refusing to accept refugee children by requiring them to present specific documentation which is impossible to obtain. Isolated cases have also been reported of children refusing to continue their schooling after being humiliated by a teacher, or beaten by their classmates. Whenever these cases were brought to the attention of relevant international agencies, intervention has produced a remedy at the level of the school principal but the children's fear has prevented them from returning to school.

254. The Embassy of Bosnia and Herzegovina in Croatia has actively sought the establishment of "extraterritorial" schools, which would follow the Bosnian curriculum and at the end of the school year issue certificates that would be recognized by the Croatian education authorities. Currently there are approximately 21 schools of this type in Croatia, most of which are located near collective centres for refugees. Many of them receive or have received financial assistance from United Nations agencies or non-governmental organizations.

255. According to international staff working in the field, the educational situation for registered refugee children in Croatia has improved significantly in the past year. The activities and assistance from several agencies, such as UNICEF and UNHCR, and several non-governmental organizations have contributed to this.

256. Serbia hosts about 445,000 refugees. Official figures indicate that the majority of them come from Bosnia and Herzegovina (235,000 or 53 per cent).

Others come from Croatia (185,000) Slovenia (37,000) and the former Yugoslav Republic of Macedonia (3,000). The majority of these refugees are Serbs (80 per cent), followed by Muslims (7.8 per cent). Children constitute about 42.1 per cent of the total refugee population (194,000). Close to 94 per cent of the refugees are hosted in private accommodations.

257. According to the Serbian authorities all of the children of primary school age are integrated into the national system and have similar access to secondary school, where the only problem is unavailability of transport between the children's homes and the schools. The psychological needs of school children are being addressed through programmes designed by the Institute for Mental Health. UNICEF and UNHCR have sponsored psycho-social programmes implemented through the schools and in the collective centres.

258. In the former Yugoslav Republic of Macedonia, refugee children could not go to school when they first arrived in 1992 because their status and that of their parents was still unclear, nobody knowing how long they would stay or be allowed to stay. The authorities took a decision granting the children access to local schools made in October 1992. By this time, however, the school year had already started and many important issues remained unclear, such as the language of instruction, the type of certificate to be issued to the children and the documents required for admittance. Decisions on these issues were taken at the local level by teachers and the authorities of the municipalities where the children lived. Most of them were resolved in the spring and summer of 1993. In order to help the children to make up for time lost, the Ministry of Education, in cooperation with UNICEF, organized summer courses that enabled them to prepare themselves for the new academic year. There are still children who cannot attend schools because of the distance from their collective centres and because transport is not available. Some of these children can attend only the 'extra-territorial' schools which have been organized in some collective centres.

259. In Slovenia, there are 31,118 registered refugees. 13,237 of them are under the age of 19, of whom 5,478 are children from 7 to 15 years and 3,161 from 16 to 19 years.

260. Refugee children have not, so far, been integrated into the Slovenian educational system. Schools have been organized for them by the Ministry of Education and Sport, and the curriculum has been designed in cooperation with the authorities of Bosnia and Herzegovina. Classes are held mostly in adapted premises in collective centres, or in school buildings when they are not occupied by Slovenian school children. They do not always have access to all the facilities in the schools, such as gymnasia and sports equipment. They are taught in most cases by teachers or other professional people from amongst the refugees themselves, who receive some payment through bilateral contributions to Slovenia. In 1994, UNHCR will cover these costs. Materials have been provided by UNICEF, UNHCR and the non-governmental organizations Cause Commune. All primary school age children receive education, but only 20 to 25 per cent of the educational needs of secondary school children are met. While the separation of the school systems may help refugee children preserve their identity and continue with a familiar curriculum, it has prevented direct contacts with Slovenian children and the lessening of prejudice which may arise from such contacts.

Unaccompanied and abandoned minors

261. Other than in Serbia, which has 1,200 registered unaccompanied minors including 31 infants in institutions, the number of unaccompanied minors in the region remains undetermined. A figure close to 11,000 has been mentioned by the Croatian authorities. These numbers include all the children who were sent out for their safety and who are still in regular contact with their parents, and not only those children who are in need of protection because they have lost their parents or because their parents' fate is unknown. In the implementation of the provisions of the Family Law, Croatia has identified through the Centres for Social Care more than 70 children in need of a guardian

and has proceeded to appoint one in each case. In Croatia, a non-governmental organization has begun comprehensively to document unaccompanied minors, not only in Croatia, but also in other countries providing protection to persons fleeing from the war.

262. The situation of orphans and abandoned children from Bosnia and Herzegovina is of particular concern because of their vulnerability. Many of the abandoned children are reported to be in a legal limbo, without a name or a legal status. The Serbian legislation, for example, requires at least one of the parents to give a name to the children. Children who have been abandoned before being registered are thus left in a legal vacuum and present a legal challenge to the host countries, which as parties to the Convention on the Rights of the Child are obliged (art. 7) to ensure that the children's right to a name and a nationality is implemented. Orphaned children also present a serious dilemma for the authorities. For many there is still the hope that their parents will be traced once the conflict is over. Some countries have actually passed a law to prevent the adoption of children coming from war zones in case their parents are later found to be alive. the majority of these children are therefore left in institutional care. Even when it has been established beyond reasonable doubt that the children have lost both parents the hosting States are reluctant either to place them in foster care, or to make them eligible for adoption or to adopt other measures which would be in the best interest of the children. The Serbian authorities have attributed their own reluctance to their fear of being accused of "Serbianizing" Bosnian children. As regards children of Bosnian Serb origin, the unclear situation of their nationality was the explanation offered. The Croatian authorities have attributed their reluctance to the "foreign" status of the children and the interest of the Government of Bosnia and Herzegovina in retaining jurisdiction over its own nationals and deciding on their future. Identified cases are thus reported to the Consulate of Bosnia and Herzegovina but no further action is taken.

D. Children in the shadow of war

263. Children who live in the territories of the former Yugoslavia which have not been directly involved in the war have experienced and are still experiencing its effects. The news relayed every day in the newspapers and on television, the loss of relatives in the areas of armed conflict, the preoccupation of their parents, the discussion of the events at school, the changes in the school curriculum, and in some countries, the change of attitude towards minorities, are bound to have an effect on the children.

264. The evaluation and analysis of those effects are being carried out and addressed by the authorities in each of the new States and also involve concerned agencies, international organizations and non-governmental organizations which have begun or have increased their programmes in the region in view of the heavy influx of refugees. The Special Rapporteur notices in this regard the differences in the support provided by the international community to the different States of the former Yugoslavia, which is not proportional to the number of displaced persons and refugees hosted by each country. Such differences have left some of the republics of the former Yugoslavia, notably Serbia and Montenegro with a proportionately heavy burden.

265. The staff of the Special Rapporteur have observed that hospitals lack medicines and that the general standard of sterilization and hygiene is not adequate because of the scarcity of cleaning and sterilizing equipment. In a hospital in Pristina a number of children with meningitis and tuberculosis were briefly visited. In Montenegro, the Special Rapporteur's staff saw babies who had to share an incubator, while some of the equipment was put aside unable to be repaired because the necessary spare parts could not be imported. They also saw children for whom the diagnosis remained unclear because of a lack of re-agents to conduct the necessary tests. They were informed that testing blood for HIV and Hepatitis B is problematic. Because some of the drugs cannot be obtained, there is an increasing tendency to ask patients to purchase them at

their own expense, in private pharmacies where prices can be astronomical. Pharmacies in the towns visited, however, were nearly empty.

266. The situation is dramatic, and increasingly unequal according to region, for mentally disabled children and adults. These people are, in some cases, totally neglected. The spectrum of their needs is very great. Lack of drugs, including sedatives, clothing, bedding materials and food are among the most striking needs. Non-governmental organizations working in the field commented that the economic situation and the lack of materials to care, feed and work with this group has affected the motivation of staff working with them. The need for warmth and a human approach to the mentally handicapped is very much apparent. The atmosphere is not conducive to the satisfaction of these needs when medical staff are forced to resort to tying the patients up for control because of the lack of suitable drugs. All this occurs at a time when the incidence of psychiatric illness has increased because of war trauma, among other reasons.

267. The physically handicapped are also experiencing considerable difficulties. With resources dwindling, there is not much room for the material necessary for providing physically handicapped children with the means of contact with the outside world. There are not enough resources to replace books in Braille for the blind. The special schools for mute children are suffering similar cuts. Other important material for live-in institutions that are in short supply are the fuel for heating, as well as bedding and food.

268. Because many of these needs cannot be met, handicapped children and other persons in institutional care are returning to their families for longer periods, during which they cannot receive adequate care.

269. Orphanages and places for the education of children with undesirable behaviour are also suffering from a lack of fuel for heating and tremendous shortages of food. The necessary materials for the appropriate development of children in the case of orphans and for education through activity in the other cases was obvious in several of the institutions visited by the Special Rapporteur's field staff.

270. There are regional differences. A non-governmental organization working in the Federal Republic of Yugoslavia comments: "In Kosovo, many blind people do not even have a white stick, without mentioning the paralysed who do not have a wheelchair or even cushions or mattresses to prevent bedsores and who have to remain in their bed with no change in prospect." Disabled children whose parents have lost their job are in very difficult circumstance; the parents cannot apply for any form of treatment because they are dependent on the social security coverage which is lost with the job. Indeed, for the whole of Kosovo, health care is a problem which has been very much entangled in politics to the detriment of the population.

271. The staff of the Special Rapporteur had the opportunity to see an encouraging example of cooperation in the field of the care and rehabilitation of children. A hospital in Montenegro has managed to obtain funding from international sources and is dedicating itself to the treatment of war injuries, malnutrition, and psychosomatic disorders. It can cover the needs of up to 150 children and is mitigating the physical and mental impairments caused by the war; in that sense it is like an oasis in the desert.

E. Conclusions and recommendations

272. In the context of the present conflict the human rights of children as embodied in the Convention of the Rights of the Child have been completely disregarded.

273. The Special Rapporteur points out that violations of humanitarian law, such as indiscriminate shelling of civilian centres and sniper attacks are quite often directed against children.

274. Refugees and displaced children require a great amount of support in dealing with their situation. All actions intended to provide them with occupational or psychological assistance deserve support.

275. The psychological needs of children in war should continue to receive attention through support for the organization of schooling and education.

276. The plight of adolescents should receive more attention from the international community. Existing programmes for young children should be extended to this age group, which is most at risk from the effects of war.

277. The situation of psychologically and physically disabled children deserve particular assistance from specialized agencies.

278. The right of children to a name and a nationality should be respected by all parties. Abandoned children should be promptly registered and a long-term solution which is in their best interest should be identified. The identification, documentation and tracing of parents of unaccompanied minors should be conducted with the aim of facilitating their reunion.

VIII. PREVIOUS RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR AND THEIR FOLLOW-UP

A. Introductory remarks

279. The tragic conflicts on the territory of the former Yugoslavia have involved human rights violations on a scale unprecedented in Europe since the Second World War. They constitute a very serious test of and challenge to the international system of human rights protection. The Special Rapporteur, from the moment of his appointment, was fully aware that the character of the above-mentioned violations must condition the way the mandate entrusted to him by the Commission on Human Rights was to be implemented. At a very early stage of his activity, in a memorandum to the Secretary General dated 4 September 1992, the Special Rapporteur stated:

> "... the mandate should be implemented in a way that leads to concrete and immediate effects, independently of the negotiations concerning the long-term political solution which will determine the future of the former Yugoslavia. For that reason, it is not possible to limit the mandate to the preparation of reports stating facts and expressing opinions which are submitted to the United Nations bodies. The mandate should lead to prompt and concrete measures benefiting populations which are suffering and whose rights being violated".

When formulating his recommendations the Special Rapporteur was convinced that their prompt implementation should have first of all preventive effects.

280. The Special Rapporteur believes that in the context of the conflict which is taking place in the territory of Bosnia and Herzegovina, and, which may expand to other territories of former Yugoslavia, human rights questions cannot be examined separately from the development of the political and military situation in the area. The most fundamental human right - the right to life - of millions of people is at stake. For that reason he felt it necessary to tackle in his recommendations such problems as the mandate of UNPROFOR, disarmament, humanitarian issues etc.

281. The vast majority of the Special Rapporteur's recommendations deal with the situation in the territory of Bosnia and Herzegovina. It should not be forgotten, however, that his mandate also covers four other States. It is necessary to point out that as a general rule the authorities of those countries have offered their full cooperation to the Special Rapporteur. The only exception is the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). While accepting missions operating within the framework of the Special Rapporteur's mandate, it refused to allow the opening of a

permanent office in Belgrade. Furthermore, the de facto Bosnian Serb authorities have created many obstacles and effectively prevented human rights monitoring on the territories under their control.

282. In the following paragraphs the Special Rapporteur presents to the Commission on Human Rights the main recommendations he has put forward in his previous reports and analyses their follow-up. Some other recommendations, such as those concerning the problem of disappearances and the organization of the field operation, are discussed in other parts of the present report.

B. "Ethnic cleansing"

Recommendation concerning "ethnic cleansing"
(E/CN.4/1992/S-1/9, para. 61, 28 August 1992)

283. "Ethnic cleansing" may be equated with a systematic purge of the civilian population based on ethnic criteria, with a view to forcing it to abandon the territories where it lives. That policy was the objective of the whole conflict. The Special Rapporteur was convinced that the international community must do its utmost to stop that policy. To that end he formulated a number of recommendations.

284. The United Nations should not reward the practice of "ethnic cleansing" by allowing territorial gains and the displacement of the population to be consolidated. It therefore must uphold two inviolable principles. First, there must be a right of return to their homes for all refugees and displaced persons. Second, there should be no recognition of any transfer of property acquired by force or made under duress.[1/]

Follow-up

285. The Security Council in its resolution 779 (1992) of 6 October 1992, (para.5) declared the right of all refugees and displaced persons to return to their homes and that the taking of property by force or under duress is null and void.

286. Also, the Security Council in its resolution 787 (1992) of 6 October 1992 (para.2) reaffirmed that any taking of property by force or any practice of "ethnic cleansing" was unlawful and unacceptable, and would not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and insisted that all displaced persons be enabled to return in peace to their former homes. [2/]

287. The General Assembly, in its resolutions 48/153 of 8 December 1993 referred to "ethnic cleansing" in paragraphs 11 and 25. In the latter paragraph the Assembly urged all States and competent organizations to consider implementation of the recommendations of the Special Rapporteur, including the need for an effective response to the policy of "ethnic cleansing" as perpetrated by Bosnian Serb and Bosnian Croat forces.

288. In a statement to the Security Council on 13 November 1992, Lord Owen said the following:

> "Europe knows that, were this flagrant 'ethnic cleansing' to be tolerated, were all its perpetrators to be allowed to escape without being brought to justice, and were its victims not to be helped to return to their homes and land, then we Europeans would pay a terrible price." (see S/25221, Annex I, para. 4) [3/]

Comment

289. During the whole period of the Special Rapporteur's mandate the policy of "ethnic cleansing", initiated by the de facto Bosnian Serb authorities, has continued unabated. It is obvious that inadequate reaction to that policy prompted other sides, in particular the de facto Bosnian-Croat authorities to

use the same methods. In his report dated 17 November 1993 (E/CN.4/1994/47) the Special Rapporteur concluded:

> "228. The Special Rapporteur has already warned that a prolongation of the conflict in Bosnia and Herzegovina would lead to the commission of atrocities by all sides and the persecution of peoples of every ethnic origin. He is greatly saddened that this situation has now come to pass and unequivocally condemns every violation of international human rights and humanitarian law."

290. Despite repeated assurances by the Security Council, the General Assembly and the International Conference on the Former Yugoslavia (ICFY), that territory taken by force would not be recognized as validly taken, with the collapse of the Vance-Owen Peace Plan, the proposals for partition represent an absolute repudiation of the most basic recommendations of the Special Rapporteur, regarding the right to return and to regain one's property.

291. The Special Rapporteur warned on 17 November 1992 (A/47/666, para. 135) that the repeated assurances of the international community that "ethnic cleansing" would not be tolerated, were meaningless without coercive enforcement of that commitment. Indeed, he reported that the continued practice of "ethnic cleansing" in the former Yugoslavia was predicated upon an assumption by the protagonists of international inaction:

> "135. The continuation of 'ethnic cleansing' is a deliberate effort to create a fait accompli in flagrant disregard of international commitments entered into by those who carry out and benefit from 'ethnic cleansing'. The continuation of this policy presumes the inability or unwillingness of the international community to enforce compliance with solemn agreements adopted under the auspices of the United Nations, and thus undermines the credibility and authority of international institutions. The international community cannot allow the London and Geneva agreements to continue to be systematically ignored and violated."

292. This warning has been ignored by the international community and the situation has deteriorated to such an extent that not only has the analysis been proved correct, but the Co-Chairmen of the Steering Committee of ICFY have now been compelled to plan for the partition of Bosnia and Herzegovina and the permanent transfer of population.

293. The Special Rapporteur additionally warned that the progress of events towards partition was clearly identifiable and preventable beforehand. Yet no serious attempt to avoid this outcome was undertaken by the international community. It is worth repeating the observation the Special Rapporteur made on 17 November 1992 (A/47/666, paras. 12 and 13), warning of the partition of Bosnia and Herzegovina:

> "12. ... It should be noted that "ethnic cleansing" is not practised exclusively in areas where Serbs form a majority of the population. In some of the cities most strongly affected by Serbian "ethnic cleansing", such as Prijedor, Muslims and Croats were in the majority.
>
> "13. This lends credence to the fear that the ultimate goal may be to incorporate the Serbian-occupied areas of Croatia and Bosnia and Herzegovina into a "Greater Serbia" ... From advocating Serbian control over all areas inhabited by Serbs to expelling the non-Serbian population from such areas is but a small step. Croatian nationalists also bear a share of the responsibility for this extreme position, having practised discrimination against the Serbian population of Croatia, which fuelled Serbs' fears and contributed to their ultra-nationalistic stance."

C. Safe areas in Bosnia and Herzegovina

Recommendation concerning security zones
(E/CN.4/1992/S-1/10, para. 25(b), 27 October 1992)

294. Security zones should be established within Bosnia and Herzegovina for the protection, under United Nations supervision, of the displaced.[1/]

Follow-up

295. The Security Council in its resolution 787 (1992), of 16 November 1992, (para. 19), invited the Secretary-General in conjunction with the United Nations High Commissioner for Refugees to study the possibility of safe areas for humanitarian purposes. After several months the Security Council, in its resolution 819 (1993) of 16 April 1993, established Srebrenica as a United Nations-protected safe area. Later on, the Security Council, in its resolution 824 (1993), of 6 May 1993 declared that Sarajevo, Tuzla, Zepa, Bihac and Gorazde should be treated as safe areas free from armed attack. In Resolution 836 (1993) of 4 June 1993, the Security Council acting under Chapter VII of the Charter of the United Nations, decided to extend the mandate of UNPROFOR in order to enable it to deter attacks against the safe areas.

Comment

296. The first safe area was not authorized until April 1993, almost six months after the Special Rapporteur had made his recommendation. The safe areas in Bosnia and Herzegovina, Sarajevo in particular, are for the most part drastically overcrowded, short of basic food and medical resources and subject to indiscriminate shelling and military attacks. UNPROFOR has been unable to ensure the safety of those areas. To a large extent they have become "safe" only on paper.

D. Humanitarian aid and assistance

Recommendation to increase international and humanitarian aid
(E/CN.4/1992/S-1/10, para. 25(c), 27 October 1992)

297. There should be an increase in international humanitarian assistance to all persons in the affected areas of Bosnia and Herzegovina, with particular additional support by Governments for UNHCR activities.[1/*]

Follow-up

298. The Security Council in its resolution 787 (1992) of 16 November 1992 (para.17), called for additional assistance from international donors. The General Assembly, in its resolution 46/242 of 25 August 1992, called upon organs of the United Nations and all international relief agencies to facilitate the return of the displaced people in their homes. And the World Conference on Human Rights in A/Conf/157/L.2 of 21 June 1993, called for immediate humanitarian help for the relief of persons in besieged towns and cities.

Comment

299. While the international relief operation has in general been well funded, occasional shortfall in international aid has led UNHCR to decrease the size of rations distributed Bosnia and Herzegovina.

Recommendations on humanitarian relief corridors
(E/CN.4/1992/S-1/10, para.25(d), 27 October 1992)

300. Priority should be given to opening humanitarian relief corridors in Bosnia and Herzegovina as a means of protecting aid convoys.[1/*]

Follow-up

301. The Security Council in its resolution 776 (1992) of 14 September 1992 (para.2) authorized the enlargement of UNPROFOR's mandate inter alia for the protection of convoys.

302. In its resolution 787 (1992) of 16 November 1992 (para.18), the Security Council called on all parties to ensure the safe delivery of humanitarian assistance.

303. In its resolution 819 of 16 April 1993 (para. 8), the Security Council demanded the unimpeded delivery of humanitarian assistance to all parts of the Republic of Bosnia and Herzegovina and recalled that such impediments to the delivery of humanitarian assistance constituted a serious violation of international humanitarian law.

304. In resolution 859 (1993) of 24 August 1993 (para.3), the Council demanded the unhindered flow of humanitarian assistance in particular to the "safe areas" in Bosnia and Herzegovina.

Comment

305. Although aid continues to get through by road, there are frequently massive delays at Bosnian Serb and other checkpoints. Considerable difficulties are encountered in penetrating many areas, most notably Maglaj and the Eastern Bosnian Muslim safe areas of Srebrenica, Tuzla, Zepa and Gorazde. Drivers have been killed and aid convoys subjected to attack and harassment. In all his reports the Special Rapporteur has pointed out that the parties did not respect their commitments to respect the safe passage of convoys with humanitarian aid. UNPROFOR was not able to provide an effective protection to these convoys. It is obvious that humanitarian aid has been used as an element in a political game, in particularly by the Bosnian Serbs and Bosnian Croats.

Recommendation on the reunion of families
(E/CN.4/1992/S-1/9, para. 66, 28 August 1992)

306. Special care should be exercised in the treatment of families and their reunion, so as to minimize the effects of separation. In particular the needs of orphans should be given special attention.[1/]

Follow-up

307. The Special Rapporteur is not aware of any resolution in which this idea has been pursued.

Comment

308. UNHCR practice has shown a strong awareness of the special needs of broken families and orphans. The parties to the conflict have repeatedly shown complete disregard for the maintenance of contact between family members. Also, the problem of reunification of families whose members are in various countries outside the former Yugoslavia has not been solved.

Recommendation on the provision of havens abroad and temporary refuge by European States
(E/CN.4/1992/S-1/10, para. 25(a), 27 October 1992)

309. There should be temporary provision of havens abroad to protect those most in danger. European States should offer asylum and temporary refuge to as many persons under threat from the conflict in Bosnia and Herzegovina as possible.[2/]

Follow-up

310. The Special Rapporteur is not aware of any resolution in which this idea has been pursued.

Comment

311. There has been growing resistance in many European States to the acceptance of further refugee flows. Although European States have accepted

refugees and temporary asylum seekers, strong restrictions have gradually been imposed against immigration and refugee movement within Europe.

312. This attitude can be exemplified by the situation which happened after an agreement was reached between the parties in November 1992 to release detainees on condition that they could be placed outside of the former Yugoslavia. However, initially, there was not sufficient support from European States for receiving the detainees and their release was therefore aborted.

E. Prisoners and detainees

Recommendations concerning Red Cross access to detention camps
(E/CN.4/1992/S-1/9, para. 64, 28 August 1992)

313. The International Committee of the Red Cross (ICRC) should be granted full access to all detention camps and centres so as to administer aid to prisoners and detainees. This should be regardless of the size of the camp.

Follow-up

314. The Security Council in its resolution 770 (1992) of 13 August 1992 (para.4), demanded unimpeded access to all detention camps for ICRC and other humanitarian agencies for the provision of aid to those interned. See also resolutions of General Assembly 46/242 of 25 August 1992 (para. 9) and 47/147 of 18 December 1992 (para. 11).

Comment

315. Although access has been allowed to many detention camps, there continue to be a considerable number of delays and denials which impede the work of the humanitarian agencies. Conditions in the camps remain deplorable and include summary executions, severe beating, rape and torture, in addition to inadequate food, clothing, shelter and conditions of hygiene.

Recommendation concerning the release of detainees
(E/CN.4/1992/S-1/9, para. 65, 28 August 1992)

316. All detainees should be released from the internment camps immediately.[12/]

Follow-up

317. The Co-chairmen of the Steering Committee of ICFY called for the immediate release of all prisoners (see S/25050, Annex II, January 1993). See also document S/25221, of 2 February 1993 (para.5)

318. And the General Assembly, in its resolution 47/147 of 18 December 1992 (para.12), called upon all parties to close immediately all detention camps not in compliance with the Geneva Conventions and to release immediately all persons arbitrarily or illegally detained.

Comment

319. Some camps have been closed but many thousands of persons remain prisoners or detainees. Furthermore, in contravention of the Fourth Geneva Convention and specific commitments made between the parties themselves, the release of prisoners and civilian detainees has in many cases been made conditional upon the exchange of prisoners (E/CN.4/1992/S-1/9 para. 23, 28 August 1992).

F. Rape victims

Recommendation concerning the Special care of rape victims
(E/CN.4/1993/50, para. 269 (I)(d), 10 February 1993)

320. Victims of systematic rape must be given special access to sympathetic medical and psychological care.

Follow-up

321. In its resolution 798 (1992) of 18 December 1992 (paras. 1-5), the Security Council gave its full support to the despatch of a European Council delegation to examine the question of the rape of women in Bosnia and Herzegovina. See also the report of the team of experts on their mission to investigate allegations of rape in the territory of the former Yugoslavia (E/CN.4/1993/50, Annex II, 10 February 1993); Commission resolution 1993/8, of 23 February 1993; Report of the Secretary-General on the rape and abuse of women in the territory of the former Yugoslavia (E/CN.4/1994/5, 30 June 1993).

Comment

322. There has been considerable investigation of the situation with regard to rape. At present an investigation is being carried out by the Commission of Experts. Nevertheless the incidents of rape have been reported with varying intensity during the whole period of the Special Rapporteur's mandate. Many of the recommendations made by the Special Rapporteur have been echoed by the agencies concerned with the rehabilitation of victims of trauma and are reflected in their activities.

G. War Crimes

Recommendation to establish a commission of experts
(E/CN.4/1992/S-1/9, para. 69-70, 28 August 1992)

323. The Special Rapporteur recommended that a commission of experts be established to investigate evidence of breaches of international humanitarian law. [11]

Follow-up

324. The Security Council in its resolution 771 (1992) of 13 August 1992 (paras.5 and 6), has called upon States to collect and transmit to the Secretary-General, evidence of violations of international humanitarian law. the Security Council, in its resolution 780 (1992) of 6 October 1992 (paras.1-4), established the Commission of Experts for the purposes suggested by the Special Rapporteur. Security Council resolution 787 (1992) of 16 November 1992 (para.8) was also adopted on this issue.

Comment

325. The Commission was established and has operated as suggested by the Special Rapporteur. It cannot be claimed, however, that the Commission has always been given adequate financial and organizational support. The structure of the Commission and the means at its disposal have placed limits on its activities. Moreover, the parties are creating various difficulties in order to prevent objective investigation being carried out. The Commission will finish its activities at the end of April 1994. It is indispensable that the material gathered by it is properly used in future investigations of crimes, including war crimes, committed in the territories of the former Yugoslavia.

Recommendation concerning the liability of authorities for war crimes
(E/CN.4/1992/S-1/9, para. 60, 28 August 1992)

326. The United Nations should warn the various authorities in Bosnia and Herzegovina that they may face international prosecution for atrocities which they have committed themselves or atrocities which they have condoned or tolerated.[11]

Follow-up

327. The Security Council in its resolution 787 (1992) of 16 November 1992 (para.7), reaffirmed the individual responsibility of those who violate international humanitarian law.[11/]

Comment

328. There has been strong international support for the principle of individual responsibility for breaches of international humanitarian law. However, there are various difficulties that may seriously hamper the implementation of any process in that regard. Parties to the conflict, in particular the Bosnian Serbs, consistently reject the concept of international liability.

Recommendation concerning the prosecution of breaches of international humanitarian law
(E/CN.4/1992/S-1/9, para. 60 and 69, 28 August 1992)

329. Violators of international humanitarian law should be prosecuted.[11/]

Follow-up

330. The Security Council in its resolution 808 (1993) of 22 February 1993 (para.1), decided that an international tribunal should be established for prosecution of persons responsible for serious violations of humanitarian law committed in the territory of the former Yugoslavia since 1991. See also Security Council resolution 827 (1993) of 25 May 1993 (paras. 1-2); Secretary-General's report approved and Tribunal established "for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia ..."; and General Assembly resolution 48/153 of 20 December 1993 (para.8) and 121 of 18 December 1992 (para.10).

Comment

331. The international tribunal is currently being established. The Special Rapporteur urges that all the necessary support should be offered to it by relevant United Nations bodies and all Member States in order to assure the effective implementation of its mandate.

H. Disarmament

Recommendation concerning withdrawal of heavy weaponry
(E/CN.4/1992/S-1/9, paras. 58-59, 28 August 1992)

332. Heavy weaponry Bosnia and Herzegovina should be placed under the supervision of UNPROFOR or otherwise neutralized. Local authorities should disarm the irregular and civilian forces.[11/]

Follow-up

333. Agreement was reached as part of ICFY negotiations for the placement of heavy arms (12.7 mm calibre and above) to be placed under UNPROFOR supervision (S/25403 Annex I, 12 March 1993).

334. Following the 5 February shelling incident in Sarajevo, the International Community has taken steps towards the removal of heavy weapons from the outskirts of Sarajevo.

Comment

335. As a result of lack of implementation of this recommendation, heavy weaponry has been constantly used, inter-alia in order to terrorize the civilian population, in particular in Sarajevo. At the time of writing the recent decision has already led to an improvement in the situation.

I. UNPROFOR

Recommendation to the expand Mandate of UNPROFOR to cover all of Bosnia and Herzegovina
(E/CN.4/1992/S-1/9, para. 63, 28 August 1992

336. UNPROFOR's mandate should be expanded to: (i) cover the entire territory of Bosnia and Herzegovina; (ii) collect information on human rights abuses the territory of Bosnia and Herzegovina.

Follow-up

337. The Security Council in its resolution 776 (1992) of 14 September 1992, (para.2) strengthened the mandate of UNPROFOR, including for the protection of released detainees if requested by ICRC, in accordance with the Secretary General's report of 10 September 1992 (S/24540). See also Security Council Resolution 786 1992 of 10 November 1992 (paras. 1 and 5) concerning the strengthening of UNPROFOR and deployment to airfields; 807 (1993) of 19 February (1993) (para.8); and 824 (1993) of 6 May 1993 (para.6)..

Comment

338. There has been a significant increase in the size of the UNPROFOR forces in Bosnia and Herzegovina. In addition, UNPROFOR forces have been placed along the border with the former Yugoslav Republic of Macedonia (Security Council resolution 795 (1992) of 11 December 1992, para. 2-3). However, large areas of Bosnia and Herzegovina remain unsupervised and beyond the protective capabilities of UNPROFOR. The decision to send UNPROFOR forces to Banja Luka was not implemented owing to fierce resistance from the local Bosnian Serb authorities.

339. UNPROFOR has been able to collect various types of evidence concerning human rights violations and violations of humanitarian law. At the early stage of his activities the Special Rapporteur was disappointed by the reluctance, in particular on the part of the civilian branch of UNPROFOR, to cooperate with him and to share information on human rights violations. However, UNPROFOR has considerably increased its cooperation as far as information sharing with the Special Rapporteur is concerned. It also gave full support to the establishment of two field offices of the Centre for Human Rights.

Recommendation that UNPROFOR be given the right to intervene
(E/CN.4/1992/S-1/9, para. 63, 28 August 1992

340. UNPROFOR should have the right to intervene to protect against human rights violations.[11/]

Follow-up

341. The Security Council in its resolution 781 (1992) of 6 October 1992 (para.1) decided to establish a ban on military flight in the airspace of Bosnia and Herzegovina. In its resolution 816 (1993) of 31 March 1993 (para. 4) the Council authorized all necessary measures to ensure the ban on flights; and resolution (1993) 836 of 4 June 1993 (para.5) the expansion of UNPROFOR's mandate to "deter attacks against the safe areas" and to deter bombardment against them.

Comment

342. UNPROFOR forces have not been effectively empowered to intervene to protect against human rights violations as they occur and have been forced to observe passively many serious breaches of international humanitarian law owing to the inadequacy of their mandate and resources.

J. Human rights in the peace process

Recommendation on coordination with the International Conference on the Former Yugoslavia
(E/CN.4/1992/S-1/9, para. 71, 28 August 1992)

343. There is a need to coordinate international humanitarian and human rights efforts with the activities of ICFY. [12]

Follow-up

344. The General Assembly in its resolution 47/147 of 18 December 1992 (para.20) called upon those bodies concerned with the situation in the territory of the former Yugoslavia to coordinate closely with the Special Rapporteur and the Commission of Experts.

- The Co-Chairmen of the Steering Committee of the ICFY acknowledged the continued contact with the Special Rapporteur. S/25221, Annex 1 para. 13, 2 February 1993,

Comment

345. In spite of Special Rapporteur's efforts few meetings were held with the Co-Chairmen of the Steering Committee of ICFY. Meaningful cooperation has never been established. On one or two occasions he was not invited to participate in the meetings of the Steering Committee. He managed, however, to establish channels for the exchange of information with some working groups of ICFY.

Recommendation that parties be judged on their human rights record
(E/CN.4/1993/50, para. 269 (2), 10 February 1993)

346. The credibility of the parties to the conflict should be measured by their proven commitment to the observation of human rights standards. In particular attention should be given to whether the parties release all detainees, allow the establishment of security zones, lift blockades and open humanitarian relief corridors.[12]

Implementation and comment

347. Very carefully elaborated and comprehensive provisions for the protection of human rights were included in the constitutional principles agreed by the parties to the conflict. It is obvious, however, that these principles do not appear to have had any lasting effect upon the negotiating process with regards to territorial gain by force and other human rights violations, including breaches of international humanitarian law. The Special Rapporteur requested that human rights concerns should have priority in the peace process, and pointed out that peace negotiations should not have been conducted without ensuring the cessation of massive and gross human rights violations.

K. Additional recommendations

Recommendation that an impartial information agency be established
(E/CN.4/1992/S-1/9, para. 68, 28 August 1992)

348. There is a need to establish a United Nations information agency, to be based in Belgrade, Zagreb and Sarajevo, with guaranteed access to television and radio, so as to counter the biased misinformation produced by partisan news agencies the former Yugoslavia.[12]

Follow-up and comment

Rapporteur acknowledges with appreciation the establishment of the Alternative Information Network with the purpose of exchanging articles and information throughout the territory of the former Yugoslavia to prepare the ground for the creation of independent media, and to provide an information service for the media, institutions, and NGOs outside the former Yugoslavia. Their efforts, however, have not been successful in breaking the information blockade existing in the region.

Recommendation concerning support for democratic movements
(A/47/666, para. 146, 17 November 1992)

350. There should be international support for democratically oriented groups in Serbia and other areas of the former Yugoslavia.[21]

Follow-up

351. The Special Rapporteur is not aware of any resolution in which this idea has been pursued.

Comment

352. This appears to have been a low priority of the international community following the December election for the Serbian Presidency. The beating and detention of the Serbian opposition leader Vuk Draskovic was indicative of the political conditions in Serbia. The democratic opposition has never received adequate support the peace negotiating process.

Recommendation that human rights monitors be placed in Kosovo, Sandzak and Vojvodina
(E/CN.4/1992/S-1/9, para. 62, 28 August 1992)

353. There is a need to create an international monitoring mechanism to observe the human rights situation in Kosovo, Sandzak and Vojvodina.[21]

Follow-up

354. The Committee of Senior Officials of the Conference on Security and Cooperation in Europe (CSCE) established missions of long duration to monitor human rights conditions in Kosovo, Sandzak and Vojvodina. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) subsequently withdrew their consent and the missions have ended. In its resolution 844 (1993) of 9 August (paras. 2-3), the Security Council called on the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions.

Recommendation concerning the situation in Sarajevo
(E/CN.4/1994/6 para. 45 (c),(d), 26 August 1993)

355. The following interim steps inter alia must be taken in connection with the dramatic situation in Sarajevo: (a) the central hospital in Sarajevo should be placed immediately under international protection; (b) a speedy evacuation procedure should be created for the seriously wounded and sick.

Follow-up and Comment

356. The problem of medical evacuation has been to a large extend solved. Nevertheless, there is a need to facilitate the process with offers of hospital in Sarajevo places abroad. The Kosevo hospital in Sarajevo has not been placed under UNPROFOR protection and has been shelled on numerous occasions.

L. Concluding observations

357. The Commission on Human Rights in its relevant resolutions has expressed full support for all the recommendations of the Special Rapporteur.

358. The activities of the Special Rapporteur have not been limited to preparation of reports. He has intervened whenever the situation required and has engaged in dialogue with the authorities concerned. The Special Rapporteur decided to concentrate on victims of human rights violations and to contribute to solving the existing crisis. One of his priorities was also to persuade world public opinion of the extent of the human rights drama in the former Yugoslavia. Undoubtedly, as it has been shown above, his reports contributed to the adoption of a number of resolutions by various United Nations bodies. Some of his recommendations have been partly implemented, usually with considerable delay. In that context, mention should be made of the establishment of safe areas - unsatisfactory though they are, the creation of the Commission of Experts and the International Criminal Tribunal and the development of human rights monitoring activities. He has been invited to present his findings at meetings of the Security Council and his reports have been widely distributed. His interventions, in various instances undoubtedly contributed to the improvement of the situation of various persons or groups of persons. He has received an encouraging number of communications from all parts of the former Yugoslavia indicating support for his activities.

359. Nevertheless, he has not been able to achieve his main objectives of offering effective assistance to victims and of reducing the massive scale of the violations of human rights. His failure should be partly attributed to the inherent weakness of the mechanism which he represents. The mandates of Special Rapporteurs are very limited. Consequently his position vis-à-vis other actors, both international and internal, has proved to be rather weak.

360. The conflicts in the former Yugoslavia and in particular in Bosnia and Herzegovina have once again proved that human rights only play a secondary role in the context of international politics. A number of formal steps which have been undertaken may be considered as a substitute or excuse for political inertia. The enormous efforts and sacrifices of the field officers of the various international agencies have not compensated for that policy. The international community has, de facto, tolerated massive violations of human rights and international humanitarian law. Such a policy undermines some of the most fundamental principles upon which international law and the system of human rights protection have been built.

Annex I

FIELD OPERATION

1. In his first report, issued on 28 August 1992, the Special Rapporteur recommended the appointment of field staff in the territory of the former Yugoslavia. Similar recommendations made by the Special Rapporteur are to be found in his reports dated 17 November 1992 (A/47/666, para. 148) and 10 February 1993 (E/CN.4/1993/50, para. 268). Subsequently, the Commission on Human Rights, in its resolution 1993/7 requested the Secretary-General to provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance or violations of human rights in their area of assignment. The field operation was also endorsed by the General Assembly in its resolution 1993/147 of 18 December 1993.

2. The field operation was established by the Centre for Human Rights in March 1993. Funding is primarily by means of voluntary contributions from governmental and non-governmental sources.

3. The Special Rapporteur requested the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and the Former Yugoslav Republic of Macedonia for their consent to the establishment of field offices in each State. The federal Republic of Yugoslavia (Serbia and Montenegro) refused permission. Affirmative replies were received from Croatia and from the Former Yugoslav Republic of Macedonia. A field office was established in Zagreb in March 1993 and in Skopje in December 1993. Should the Special Rapporteur's mandate be renewed, and if the security situation permits, it would be envisaged that Governmental permission be sought to open a field office in Bosnia and Herzegovina.

4. The Zagreb office is currently staffed by five Professional officers and one secretary/translator. The Skopje office has one Professional officer and one secretary/translator. These offices service the field operation of the Special Rapporteur throughout the former Yugoslavia.

5. The precise role of field officers is to assist the Special Rapporteur in collecting, verifying and assessing information on human rights violations; alerting him to issues and trends concerning human rights; advising him as to the perceived need for and the appropriate form of urgent intervention; and facilitating his frequent missions to the field. The field officers carry out their responsibilities by means of, inter alia, on-site investigations, interviews with witnesses and victims of alleged human rights violations, maintenance of contact with local, regional, governmental and military authorities, and close cooperation with the various international intergovernmental and non-governmental actors active in the former Yugoslavia.

6. The field officers have conducted a large number of on-site investigations and field missions to various parts of the former Yugoslavia. To date they have conducted the following missions: 12 in Bosnia and Herzegovina, 20 in Croatia (including 12 in the United Nations Protected Areas), 3 in Macedonia and 4 in the Federal Republic of Yugoslavia (Serbia and Montenegro). On a number of occasions the field officers were able to gain access to areas then considered inaccessible by other international actors, such as east Mostar in July 1993 and, in October 1993, the village of Maljine (site of an alleged massacre) and the Stari Vitez muslim pocket within the Bosnian Croat Lasve Valley enclave. In some instances, the field staff have conducted the first international investigations of alleged gross violations of human rights, such as throughout eastern Bosnia during March 1993, at Ahmici in April 1993 and in the Medak pocket during September 1993. In December 1993, the field operation conducted the first international investigation of the situation concerning human rights in the Bihac area.

7. The gathering of testimonies and the interviewing of witnesses has proved an important source of information both as regards particular instances of abuse and patterns of violations of human rights. Such activity is conducted during field missions and at the offices in Zagreb and Skopje.

8. Contact with all levels of local and central governmental authorities, as well as military leaders, serves as an important means of gathering information as to official policy and practices, and facilitates an analysis of the extent of institutional support for the protection of human rights. Enquiries to such authorities concerning particular human rights violations have also occasionally appeared to result in a reversal of the violations concerned.

9. The receipt of information from inter-governmental organizations is of particular significance for the effectiveness of the field operation in that it permits the channelling of large amounts of human rights information which might not otherwise be properly addressed. To assist such bodies in the gathering of human rights information, the Centre for Human Rights has prepared guidelines for reporting on human rights issues. These have been distributed to international organizations operating in the former Yugoslavia. The guidelines have since been largely incorporated into the UNPROFOR standing orders for troops investigating alleged war crimes in Bosnia and Herzegovina.

10. The receipt of information from and dialogue with non-governmental organisations is of the utmost importance. It has, for instance, frequently drawn attention to incidents of alleged human rights violations and prompted the undertaking of field investigations.

11. Other activities of the field operation include the facilitation of missions and activities of United Nations human rights mechanisms other than the Special Rapporteur. Thus, it assisted in the carrying out of missions to the former Yugoslavia on behalf of the Working Group on Disappearances and the Committee on the Elimination of Racial Discrimination. Also, at the invitation of the civil affairs component of UNPROFOR the field office in Zagreb organized a workshop for civil police station heads and other police staff in Sector North. The workshop, which dealt with the law of human rights and human rights monitoring, was a noteworthy instance of interagency cooperation. Finally, the Zagreb office has been able to assist relatives of disappeared persons by translating appropriate United Nations query forms, making them available for completion, and then forwarding them to the Working Group on Disappearances.

12. The Special Rapporteur acknowledges his debt of gratitude to UNPROFOR for the manner in which it assists the field operation in the former Yugoslavia. In particular he notes the provision of accommodation and other services, the facilitation of field missions and the provision of access to the findings of UNPROFOR human rights related investigations. He also draws grateful attention to the working relationship established by the field officers with the European Community Monitoring Missions, The Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other international actors in the area.

1/ This article may be contrasted with the coverage of previous incidents of a sensitive nature by Viesnik (see E/CN.4/1994/47, para. 137).

2 Similar recommendations made by the Special Rapporteur are to be found in:
- E/CN.4/1992/S-1/10, paragraph 25 (a), 27 October 1992;
- A/47/666, paragraph 144, 17 November 1992;
- E/CN.4/1993/50, paragraph 269 (3), 10 February 1993;
- Memorandum to the Secretary-General, paragraph 19, 4 September 1992.

3/ See other resolutions of the Security Council:

819 (1993) of 16 April 1993, preamble
836 (1993) of 4 June 1993, paragraph 6
859 (1993) of 24 August 1993, paragraph 6 (c)-(d)

and of the General Assembly:

46/242 of 25 August 1992, paragraph 8
47/147 of 18 December 1992, paragraph 11

4/ See also S/25403 of 12 March 1993, paragraph 4 and S/25479 of 26 March 1993, Annex I.H.

5/ Similar recommendations made by the Special Rapporteur are to be found in:
A/47/666, paragraph 142, 17 November 1992
E/CN.4/1993/50, paragraph 269 (1)(b), 10 February 1993
E/CN.4/1994/3, paragraph 94, 5 May 1993.

6/ Similar recommendations made by the Special Rapporteur are to be found in:
E/CN.4/1993/50, paragraph 269 (1), 10 February 1993
E/CN.4/1994/3, paragraph 96, 5 May 1993
E/CN.4/1994/47, paragraph 226, 17 November 1993 - "He also urges the international community to respond generously and speedily to the needs of Bosnia and Herzegovina by providing humanitarian aid to the extent and in the forms required. The Special Rapporteur cannot over-emphasize that people will die without international humanitarian assistance".

7/ Similar recommendations made by the Special Rapporteur are to be found in:
A/47/666, paragraph 145, 17 November 1992
E/CN.4/1993/50, paragraph 269 (1)(b), 10 February 1993
"The Special Rapporteur accordingly strongly condemns all actions which block, interfere with or in any way delay the distribution of all forms of humanitarian aid."

8/ A Similar recommendation made by the Special Rapporteur is to be found in E/CN.4/1993/50, paragraph 269 (1)(d), 10 February 1993.

9/ Similar recommendations made by the Special Rapporteur are to be found in:
A/47/666, paragraphs 143 and 145, 17 November 1992
E/CN.4/1994/3, paragraph 94(c), 5 May 1993
E/CN.4/1993/50, paragraph 269 (1)(f), 10 February 1993.

10/ Similar recommendations made by the Special Rapporteur are to be found in:
A/47/666, paragraph 143, 17 November 1992
E/CN.4/1993/50, paragraph 269 (1) (a), 10 February 1993
E/CN.4/1994/3, paragraph 94, 5 May 1993
Memorandum to the Secretary-General, paragraph 22, 4 September 1992.

11/ Similar recommendations made by the Special Rapporteur are to be found in:
E/CN.4/1993/50, paragraph 269 (4), 10 February 1993
A/47/666, paragraph 140, 17 November 1992
Memorandum to the Secretary-General, paragraph 24, 4 September 1992.

12/ Similar recommendation made by the Special Rapporteur is to be found in E/CN.4/1993/50, paragraph 269 (4).

13/ See also the following resolutions of the Security Council:

819 (1993) of 16 April 1993, paragraph 7
820 (1993) of 17 April 1993, paragraph 7

and General Assembly:

46/242 of 25 August 1993, paragraph 7
47/80 of 16 December 1992, paragraph 4
47/147 of 18 December 1992, paragraph 11

and of the World Conference on Human Rights:

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14/ Similar recommendations made by the Special Rapporteur are to be found in E/CN.4/1994/47, paragraph 230, 17 November 1993: "The Special Rapporteur reiterates his conviction that the perpetrators of violations of human rights and humanitarian law must be held accountable in law and punished. He expects that the international community will do all that is required of it in order to ensure that the International Tribunal to prosecute violations of humanitarian law in the former Yugoslavia can achieve its goals speedily and effectively."

15/ A Similar recommendation made by the Special Rapporteur is to be found in his memorandum to the Secretary-General of 4 September 1992, paragraph 18.

16/ Similar recommendations made by the Special Rapporteur are to be found in
E/CN.4/1993/50, paragraph 269 (1)(e), 10 February 1993
E/CN.4/1994/3, paragraph 195, 5 May 1993.
Memorandum to the Secretary-General, paragraph 21, 4 September 1992.

17/ Similar recommendations made by the Special Rapporteur are to be found in:
E/CN.4/1993/50, paragraph 269, 10 February 1993
Memorandum to the Secretary-General, paragraph 2 (b), 4 September 1992.

18/ A Similar recommendation made by the Special Rapporteur is to be found in E/CN.4/1994/3, paragraph 94, 5 May 1993.

19/ Similar recommendations made by the Special Rapporteur are to be found in:
A/47/666, paragraph 147, 17 November 1992
Memorandum to the Secretary-General, 4 September 1992, paragraph 17.

20/ A Similar recommendation made by the Special Rapporteur is to be found in E/CN.4/1993/50, of 10 February 1993, paragraph 269(1)(g).

21/ A Similar recommendation made by the Special Rapporteur is to be found in Memorandum to the Secretary-General, paragraph 20, 4 September 1992.